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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."

ROBIN CARNAHAN

SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	*Code of State Regulations*	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

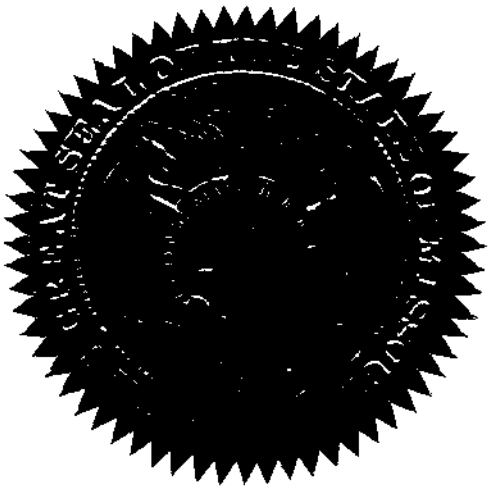
The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2008.

EXECUTIVE ORDER
09-14

WHEREAS, Section 105.454(5), RSMo, requires the Governor to designate those members of his staff who have supervisory authority over each department, division or agency of the state government.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF MISSOURI, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby designate the following members of my staff as having supervisory authority over the following departments, divisions or agencies:

Office of Administration	Paul Wilson
Department of Agriculture	John Watson
Department of Conservation	Dustin Allison
Department of Corrections	Dustin Allison
Department of Economic Development	Edward R. Ardini, Jr.
Department of Elementary and Secondary Education	Jeff Harris
Department of Health and Senior Services	Jeff Harris
Department of Higher Education	Jeff Harris
Department of Insurance, Financial Institutions and Professional Registration	Mary Nelson
Department of Labor and Industrial Relations	Edward R. Ardini, Jr.
Department of Mental Health	Mayme Miller
Department of Natural Resources	John Watson
Department of Public Safety	Edward R. Ardini, Jr.
Department of Revenue	Dustin Allison
Department of Social Services	Jeff Mazur
Department of Transportation	Daniel Hall
Missouri Housing Development Commission	Edward R. Ardini, Jr.
Boards Assigned to the Governor	Mary Nelson
Unassigned Boards and Commissions	Mary Nelson.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 5th day of March, 2009.

Jeremiah W. (Jay) Nixon
Governor

ATTEST:

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 1—Organization

PROPOSED AMENDMENT

8 CSR 60-1.010 General Organization. The commission is amending sections (1), (2), (3), and (6).

PURPOSE: This amendment changes the term handicapped to disability, provides for a vice-chairperson to be selected by the commission, and indicates notice of meetings shall be pursuant to section 610.020, RSMo.

(1) The Commission on Human Rights was created by section 213.020, RSMo. It states the function of the commission shall be to encourage fair treatment for**,** and to foster mutual understanding and respect *[among]* **for**, and to discourage discrimination against*[,]* any racial, ethnic, religious**,** or other group protected by this chapter, members of these groups**,** *[or handicapped]* **and** persons **with disabilities**.

(2) The purpose of the commission is to eliminate and prevent discrimination in housing because of race, color, religion, national origin, ancestry, sex, *[handicap]* **disability,** or familial status. The commission *[is]* also **is** empowered to eliminate and prevent discrimination in employment because of race, color, religion, sex, national origin, ancestry, *[handicap]* **disability,** or age. The commission *[is]* also **is** empowered to eliminate and prevent discrimination in public accommodations because of race, color, religion, national origin, ancestry, sex**,** or *[handicap]* **disability**. Because of the overriding public concern in eliminating discriminatory practices, the commission shall have jurisdiction over all persons, public or private, except those specifically exempted by law.

(3) The commission consists of eleven (11) members, with at least one (1) from each congressional district of this state, serving without compensation, appointed by the governor. One (1) member shall be appointed chairperson of the commission by the governor. **The commission members shall select one (1) commissioner to act as vice-chairperson.**

(6) The commission holds periodic meetings, which are open to the public, in the various congressional districts representative of the commission membership. Notice of these meetings appears in the public press**,** *[or]* by mail to persons requesting this notice**, and as provided by section 610.020, RSMo**.

*AUTHORITY: sections 213.020 and 213.030, RSMo [Supp. 1992] **2000** and **section** 536.023, RSMo [1986] **Supp. 2008**. This rule was previously filed as 4 CSR 180-1.010. Original rule filed April 1,1977, effective July 11, 1977. Amended: Filed Dec. 2, 1992, effective June 7, 1993. Amended Filed: March 16, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations

PROPOSED AMENDMENT

8 CSR 60-2.065 Pleadings. The commission is amending sections (1) and (4), deleting section (2), renumbering the remaining sections, and revising the renumbered section (6).

PURPOSE: This amendment removes the certified mail or personal service requirement on amended complaints, removes the paper size

requirements, and removes the requirement that depositions be filed with the presiding officer.

(1) After a contested case has been set for public hearing, the complaint may be amended by the commission or by the complainant-intervenor, within the time limits set by the presiding officer, to cure technical defects or omissions, including to clarify and amplify allegations made in the complaint. Any amended complaint filed by the commission or the complainant-intervenor shall be **filed with the presiding officer, and a copy shall be** served *[upon the parties by certified mail or by personal service. Proof of service, as described in 8 CSR 60-2.035(2) and amended complaints, shall be filed with the presiding officer]* **on each party**. The original complaint and all amendments shall be treated together as a single complaint. An answer to a complaint or amended complaint shall not be required. If no answer is filed, the allegations in the complaint or amended complaint shall be deemed denied. However, if an answer is filed, any allegation in the complaint not answered shall be deemed admitted. Any affirmative allegation and any allegation of new matter contained in an answer shall be deemed denied without the necessity of a reply. Any answer *[filed]* must be **filed** within the time limits as may be established by the presiding officer.

[(2) All papers and copies for filing and service shall be typewritten on good white paper eight and one-half by eleven inches (8 1/2 X 11") in approximate size. Copies may be reproduced by any printing or duplicating process providing a clear image.]

*[(3)]***(2)** Each document shall bear on the first page the caption, descriptive title**,** and number of the matter in which it is filed and shall identify the party on whose behalf it is filed. Each document shall contain on the final page the name, address**,** and telephone number and Missouri bar number of the attorney in active charge of the case, or name, address**,** and telephone number of the party if appearing *pro se*.

*[(4)]***(3)** *[The original of all depositions shall be filed with the presiding officer. A copy of interrogatories, answers to interrogatories, objections to interrogatories, if any, and responses to these objections, requests to produce, objections to requests to produce, if any, and responses to these objections, shall be filed with the presiding officer, with a copy being served on each party. The original and three (3) copies of all other pleadings and documents shall be filed with the presiding officer, with a copy being served on each party.]* Copies of all written communications to the presiding officer shall be served on all other parties.

*[(5)]***(4)** When service of any notice, rule, order, pleading, motion**,** or other paper is required, proof of service shall be filed with the presiding officer. Proof of service, except when otherwise noted, may be shown by acknowledgement or receipt or by affidavit or by written certificate of counsel making that service.

*[(6)]***(5)** Any document submitted by a party that is received by the presiding officer beyond the established number of days for submittal may be disregarded by the presiding officer.

*[(7)]***(6)** Where a party requires additional time to submit any document, a written request for the extension must be submitted to the presiding officer and shall include the positions of all parties to the request. The request shall be filed prior to the expiration of the time period for the document in question. The presiding officer may grant an extension of time only in situations where the need for more time is due to circumstances beyond the control of the party so requesting or where refusal to extend the time would create an undue hardship on the party so requesting. The presiding officer shall notify the party who requested the extension whether it will be *[allowed]* **granted**.

*[(8)]***(7)** Where an extension of time is allowed, the presiding officer shall advise the participant who did not file the request of the extension and the new due date and that the participant shall have the same extension of time.

*AUTHORITY: sections 213.030 and 213.075, RSMo [(Cum. Supp. 1992)] **2000**. Original rule filed April 15, 1988, effective July 11, 1988. Amended: Filed Dec. 2, 1992, effective June 7, 1993. Amended: Filed March 16, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations

PROPOSED AMENDMENT

8 CSR 60-2.130 Continuances. The commission is amending section (1).

PURPOSE: This amendment removes the certified mail or personal service requirement on orders granting continuances.

(1) The presiding officer may continue a public hearing or prehearing conference upon a showing of good cause. Before a party requests a continuance, the requesting party shall contact the other parties to determine whether they object to the continuance and to determine mutually acceptable dates to which the hearing or conference may be rescheduled**,** and the information shall be included in the party's motion for continuance. When a public hearing is continued, the parties shall be notified in writing of the new hearing date within a reasonable time in advance of the new hearing date. *[Any order granting a continuance shall be served on the parties by certified mail or personal service.]*

*AUTHORITY: sections 213.030 and 213.075, RSMo [(Cum. Supp. 1992)] **2000**. Original rule filed April 15, 1988, effective July 11, 1988. Amended: Filed March 16, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: Alisa Warren,

*Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations

PROPOSED AMENDMENT

8 CSR 60-2.150 Evidence. The commission is amending section (5), deleting sections (7), (8), and (9), and renumbering section (10).

PURPOSE: This amendment removes the size requirements of paper evidence and changes the term handicapped to person with a disability.

(5) Interpreter.

(A) When a *[handicapped]* person*[,]* **with a disability that impairs his or her hearing** or **a** person who cannot speak or understand the English language*[,]* is involved in a contested case hearing, the person is entitled to a qualified interpreter. In order to obtain the services of an interpreter, a party must notify the presiding officer **at least** ten (10) days prior to the date the interpreter will be needed.

[(7) All paper exhibits shall be no larger than eight and one-half by eleven inches (8 1/2 × 11") in size and the party presenting an exhibit must submit to the presiding officer the exhibit and three (3) copies of the exhibit and shall provide one (1) copy to each of the other parties at the time the exhibit is marked.

(8) Larger exhibits are allowed; however, in order to be included in the record, the information contained in the exhibit must be reduced to paper eight and one-half by eleven inches (8 1/2 × 11") in size by the party offering the exhibit.

(9) Variation from the requirements in sections (1)–(8) will be allowed only in cases where there is no reasonable alternative.]

*[(10)]***(7)** The presiding officer may take notice of judicially recognizable facts and of general, technical**,** or scientific facts. The parties shall be notified at any time during a proceeding of material officially noticed**,** and they will be afforded the opportunity to contest the facts so noticed. The notice required by this section shall be given to the party prior to the issuance of decision and order in the matter.

*AUTHORITY: sections 213.030 and 213.075, RSMo [(Cum. Supp. 1992)] **2000**. Original rule filed April 15, 1988, effective July 11, 1988. Amended: Filed March 16, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations

PROPOSED AMENDMENT

8 CSR 60-2.200 Post-Hearing Procedure. The commission is amending section (3).

PURPOSE: This amendment clarifies that it is the chairperson who selects the commissioners to serve on the hearing panels.

(3) The commissioners to serve on a commission panel as described in section (2) shall be selected by the *[chief hearing examiner. The]* chairperson or**,** *[a designated commissioner shall make this selection in the absence of the chief hearing examiner]* **in the chairperson's absence, the vice-chairperson. The selection shall be random**.

*AUTHORITY: sections 213.030 and 213.075, RSMo [(Cum. Supp. 1992)] **2000**. Original rule filed April 15, 1988, effective July 11, 1988. Amended: Filed March 16, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations

PROPOSED AMENDMENT

8 CSR 60-2.210 Orders. The commission is amending section (5).

PURPOSE: This amendment removes the certified mail or personal service requirement for orders.

(5) Copies of orders shall be *[served by certified mail or by personal service, on]* **mailed to** the complainant, respondent**,** and all intervenors or their attorneys, accompanied by a notice of the statutory right of judicial review.

*AUTHORITY: sections 213.030, 213.075**,** and 213.085, RSMo [(Cum. Supp. 1992)] **2000**. Original rule filed April 15, 1988, effective July 11, 1988. Amended: Filed Dec. 2, 1992, effective June 7, 1993. Amended: Filed March 16, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair Housing Sections of the Missouri Human Rights Act

PROPOSED AMENDMENT

8 CSR 60-4.015 Inquiries Regarding *[Handicaps] Persons with Disabilities*. The commission is amending the title of the rule, the purpose, and section (1).

PURPOSE: This amendment changes the term handicapped to disability.

*PURPOSE: This rule clarifies lawful and unlawful inquiries regarding the [handicaps] **disabilities** of an applicant for a dwelling, a person intending to reside in that dwelling, or any person associated with that person.*

(1) It shall be unlawful to make inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling after it is so sold, rented**,** or made available, or any person associated with that person, has a *[handicap]* **disability** or to make inquiry as to the nature or severity of a *[handicap of the person]* **disability the person may have**. However, this section does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they have *[handicaps]* **disabilities**:

(B) Is an applicant qualified for a dwelling available only to persons with *[handicaps]* **disabilities** or to persons with a particular type of *[handicap]* **disability**?

(C) Is an applicant for a dwelling qualified for a priority available to persons with *[handicaps]* **disabilities** or to persons with a particular type of *[handicap]* **disability**?

*AUTHORITY: sections 213.030 and 213.040, RSMo [Supp. 1992] **2000**. Original rule filed Dec. 2, 1992, effective June 7, 1993. Amended: Filed March 16, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair Housing Sections of the Missouri Human Rights Act

PROPOSED AMENDMENT

8 CSR 60-4.020 Reasonable Modifications of Existing Premises. The commission is amending the purpose and section (1).

PURPOSE: This amendment changes the term handicapped to disability.

*PURPOSE: This rule establishes guidelines regarding modifications made to premises for a [handicapped] person **with a disability**.*

(1) It shall be unlawful for any person to refuse to permit, at the expense of a *[handicapped]* person **with a disability**, reasonable modifications of existing premises occupied or to be occupied by a *[handicapped]* person **with a disability**, if the proposed modifications may be necessary to afford the *[handicapped]* person **with a disability** full enjoyment of the premises. In the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may not increase any customarily required security deposit for *[handicapped]* persons **with disabilities**. However, where it is necessary to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement, a provision requiring that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in this account shall accrue to the benefit of the tenant.

*AUTHORITY: sections 213.030 and 213.040, RSMo [Supp. 1992] **2000**. Original rule filed Dec. 2, 1992, effective June 7, 1993. Amended: Filed March 16, 2009.*

PUBLIC COST: This proposed amendment will not state cost agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair Housing Sections of the Missouri Human Rights Act

PROPOSED AMENDMENT

8 CSR 60-4.030 Prohibited Coercion and Retaliation. The commission is amending section (2).

PURPOSE: This amendment changes the term handicap to disability.

(2) Conduct made unlawful under this rule includes, but is not limited to, coercing a person, either orally, in writing, or by other means, to deny or limit the benefits provided in connection with the sale or rental of a dwelling or in connection with a residential real estate-related transaction because of race, color, religion, sex, *[handicap]* **disability**, familial status, ancestry**,** or national origin.

*AUTHORITY: sections 213.030, 213.070**,** and 213.075, RSMo [Supp. 1992] **2000**. Original rule filed Dec. 2, 1992, effective June 7, 1993. Amended: Filed March 16, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants *and Loans*

PROPOSED AMENDMENT

10 CSR 20-4.061 Storm Water Grant and Loan Program. The Financial Assistance Center (FAC) is amending sections (2) through (12) and adding new section (14).

PURPOSE: This rule modifies the fund allocation procedures for storm water loans and grants. In response to changes to the storm water control bond authorizing language on November 4, 2008 and to section 644.570, RSMo, effective November 4, 2008, the department is amending certain parts of the regulation including the definitions, project selection procedures, and allocation of funds provisions. To ensure that the storm water bond proceeds are utilized for their intended purpose, the department is clarifying the eligible costs and engineering requirements. The department is adding the requirements for accessing funds from the state storm water control bond repayment fund which was created on November 4, 2008.

(2) Definitions.

(D) Eligible Applicant.

1. Any first class county not served by Metropolitan St. Louis Sewer District (MSD); or

2. The MSD; or

3. Any entitlement city.

(E) Eligible Recipient. Any municipality, county, public sewer district, or public water district within the boundaries of the eligible applicant can receive funding if selected by the eligible applicant's Storm Water Coordinating Committee.

(F) Entitlement City. A municipality located in whole or in part in a first class county with a population of at least twenty-five thousand (25,000) based on the most recent decennial census unless that city is within a sewer district established pursuant to Article VI, Section 30(a) of the *Missouri Constitution*.

(G)*[(D)]* Force *[a]***A**ccount. Project planning, design, construction or engineering inspection work performed by the recipient's regular employees and rented or leased equipment.

(H) Letter of Commitment. Initial offer from the department to the eligible storm water funding recipients which details the amount allocated to the recipient and specifies the dates applicable to the receipt of the funds.

*[(E)]***(I)** Storm *[w]***W**ater *[c]***C**oordinating *[c]***C**ommittee (SCC). A local committee or group established by eligible applicants involved in project screening and project selection. In cities over twenty-five thousand (25,000) population, the SCC shall consist of a committee or organizational unit designated by the city *[manager]*. In St. Louis City and County, the SCC shall consist of a committee or organizational unit designated by the executive director of the Metropolitan St. Louis Sewer District. In all eligible counties, except St. Louis County, an SCC must be established which is representative of the county government and incorporated municipalities within the county.

(J) Storm Water Repayment Fund. Fund containing repayments and interest from storm water loans originated from storm water control bonds.

(3) General Requirements.

(B) *[Project Selection. First class counties, the Metropolitan St. Louis Sewer District (MSD) and communities within first class counties having a population of twenty-five thousand (25,000) or more shall submit storm water applications to the Department of Natural Resources (DNR), postmarked by January 2 of the fiscal year for which funds are sought. Communities and unincorporated areas within the MSD shall submit applications to the district by October 1 of the fiscal year. Communities of less than twenty-five thousand (25,000) population and unincorporated areas of the county shall submit applications to their county's Storm Water Coordinating Committee by October 1 of the fiscal year. The committee shall submit the successful applications and their recommendation for project funding to the department postmarked by the January 2 deadline. If either date is on a Sunday, the postmark must be the next business day. The department will review the applications and submit them to the commission for approval no later than April 1 of the fiscal year.]* **Allocation of Bond Fund Proceeds. The department will determine the amount of funds to be allocated to the eligible recipients after Stormwater Control Bonds are issued and are deposited into the Stormwater Control Fund. The funds will be allocated to each first class county and to each sewer district established pursuant to Article VI, Section 30(a) of the *Missouri Constitution* by a percentage based on the population of the qualifying county or sewer district in relation to the total population of all eligible counties and sewer districts. The most recent federal decennial census will be used for all population statistics.**

1. The funds will be further allocated to each entitlement city by a percentage based on the population of the entitlement city in relation to the total population of the first class county(ies) in which the entitlement city is located.

2. The department will send a letter of commitment to each eligible applicant. The notification will include the county, city, or sewer district's proportionate share of the balance in the Stormwater Control Fund and instructions for applying for the funds.

(C) *[Allocation of Appropriations. Original storm water appropriations and funds subject to reallocation will be allocated to each first class county by a percentage based on the population of the qualifying county in relation to the total population of all eligible counties. The most recent federal decennial census will be used for all population statistics. Cities located within first class counties with population equal to or greater than twenty-five thousand (25,000) shall receive grants and loans directly in an amount equal to the percentage ratio that the city's population bears to the total*

population of the county. For cities or counties served by the MSD, the district shall receive the grants and loans directly. Newly appropriated funds will be fifty percent (50%) loans and fifty percent (50%) grants. Recovered and reallocated funds will retain their original loan or grant designation.] **Reallocation of Unused Bond Fund Proceeds. Within sixty (60) days of the date specified in the letter of commitment as the final day for receipt of applications, the department will determine if there are any remaining unused bond fund proceeds. When calculating this amount, the department will include interest that has accrued to the Stormwater Control Fund that was not included in the original calculation and any funds that have not been applied for through the original letter of commitment. The total of these funds will be allocated as described in subsection (3)(B) of this rule except that the calculation will exclude any eligible applicant that has not responded to the initial letter of commitment by the application date.**

[(D) Storm water funds allocated under subsection (3)(C) will be recovered and reallocated in whole or in part according to the percentage method contained in subsection (3)(C) if the applicant fails to meet the following criteria:

1. All storm water funds must be awarded to projects within twelve (12) months of the original appropriation or reallocation; or

2. All storm water funds awarded to projects must have all significant construction contracts awarded within eighteen (18) months of the original appropriation or reallocation or, if used for a study or plan, must expend all moneys for such study within two (2) years of the appropriation.]

*[(E)]***(D)** Planning Requirements.

1. All storm water projects must be consistent with a comprehensive storm water management plan *[approved by the department or a delegated entity prior to construction advertising]*. **A storm water management plan should contain at a minimum the following components:**

A. An introduction that defines terms and discusses the purpose, scope, hydrology, and alternatives considered;

B. A discussion of the data and methodology used in plan development;

C. A description of the existing system (if applicable);

D. A list of proposed storm water projects;

E. A description of the methodology used to evaluate and establish project priority ranking;

F. Estimates of cost for full implementation of the plan;

G. A description of the maintenance plan for existing and new systems;

H. A geomorphological assessment of the plan area;

I. A description of the rainfall/runoff modeling data for the plan area;

J. Modeling data, structure data and photographs, public survey response forms; and

K. Watershed map, public response map, flood plain map, maps showing project areas.

2. The project specific drainage basin plan must be submitted in conjunction with the applicant's storm water application to the department. The geographical extent of the planning area may be determined by the department or the delegated entity. Projects which are solely for bank stabilization or erosion control, or other projects as determined by the department or the delegated entity, need only provide the items listed in **sub**paragraphs (3)*[(E)2., 4., and 6.]***(D)2.B., D., and E.** The **drainage basin** plan should include, but is not limited to**:**

*[1.]***A.** A detailed map of the **project** drainage area showing computed drainage acreage;

*[2.]***B.** A narrative, a plan layout**,** and estimated construction costs for *[each]* **the** proposed project;

*[3.]***C.** Tabulated storm water conceptual design parameters for *[each]* **the** drainage area, that is, upstream acres, runoff coefficients, time **of** concentration*[s]*, return frequencies**,** and so forth. Computer modeling information may be *[provided]* **submitted**;

[4. A recommended project improvement priority list;]

*[5.]***D.** A determination of the flood elevation changes resulting from *[each]* **the** project, unless the Corps of Engineers has committed to remap the area; and

*[6.]***E.** An evaluation of limited structural approaches to storm water control. The plan must analyze the use of applied geomorphology and bioengineering techniques to manage storm water. **Combinations of measures can be employed to manage storm water and retain important stream functions. "Bioengineering" combines mechanical, biological, and ecological concepts to prevent slope failures and erosion. Bioengineering techniques may use bare root stock, stems, branches, or trunks of living plants on eroded slopes. Plantings may be incorporated into such configurations as a live stakings, live fascines, or living cribwall. Vegetative plantings and cuttings may be combined with structural elements such as gabion baskets or rock surface armoring. However, the intent should be to minimize hard structural solutions and allow the rooted plantings to do much of the work to hold the soil in place and retain the natural function of streams to convey storm water. Other storm water management options include environmental easements and land acquisition.** Projects that are only rehabilitation or replacement of existing structures will require an evaluation that addresses reasonable geomorphological alternatives and, if this approach is not taken, a brief discussion why not. For more complex projects, the evaluation should **address** *[follow guidance provided by the U.S. Army Corps of Engineers Manual EM 1110-4000, Engineering and Design—Sedimentation Investigations of Rivers and Reservoirs or an equivalent guidance manual. Soil bioengineering techniques as described in Bowers, H. 1950, Erosion Control in California Highways, State of California, Department of Public Works, Division of Highways, shall be used unless other appropriate guidance is used and documented. T]***t**he root causes of flooding, bed and bank erosion, and sediment deposition *[should be addressed in this plan]*. The plan should not exacerbate these problems by:

*[A.]***(I)** Modifications to stream systems that increase bed and bank erosion in modified stream sections;

*[B.]***(II)** Cause these impacts in sections that are upstream or downstream of the storm management project;

*[C.]***(III)** Remove or degrade aquatic habitat;

*[D.]***(IV)** Remove the pollutant removal benefits of vegetated stream corridors; or

*[E]***(V)** Lead to increased flooding upstream or downstream of the storm water management project. *[Combinations of measures can be employed to manage storm water and retain important stream functions "Bioengineering" combines mechanical, biological, and ecological concepts to prevent slope failures and erosion. Bioengineering techniques may use bare root stock, stems, branches or trunks of living plants on eroded slopes. Plantings may be incorporated into such configurations as a live stakings, live fascines, or living cribwall. Vegetative plantings and cuttings may be combined with structural elements such as gabion baskets or rock surface armoring. However, the intent should be to minimize hard structural solutions and allow the rooted plantings to do much of the work to hold the soil in place and retain the natural function of streams to convey storm water. Other storm water management options include environmental easements and land acquisition.]*

(4) Required Documents. Prior to grant award and/or loan closing, the applicant must submit a completed storm water grant/loan application to the department. The following documents must be submitted and approved by the department or delegated entity prior to construction advertising. Some documents may be waived by the department or

delegated entity on a case-by-case basis if it is determined they are not needed for that project:

(A) The following documents are required for a project which includes design and construction:

1. Construction plans, specifications**,** and design criteria;

[2. A storm water management plan prepared according to the requirements of subsection (3)[(E);]

*[3.]***2.** Certification by the *[applicant]* **recipient** that—

A. The facilities, when completed, will be owned, operated**,** and maintained by a political subdivision eligible under subsection (3)(A) of this rule; or

B. Evidence of a permanent easement and legal authority to ensure operation and maintenance of the facility;

*[4.]***3.** Certification by the *[applicant]* **recipient** that contract documents and construction bidding will conform to relevant local and state laws;

*[5.]***4.** Certification by the *[applicant]* **recipient** that all necessary easements and land have been or will be obtained prior to construction start; **and**

*[6.]***5.** Certification by the *[applicant]* **recipient** that the *[applicant]* **recipient** will construct the project or cause it to be constructed to final completion in accordance with the certified plans and specifications; and

(B) The following documents must be submitted for all storm water grant/loan projects including grants/loans for planning:

1. Certification by the *[applicant]* **recipient** that all state storm water funds will be expended solely for carrying out the approved project;

2. Certification by the *[applicant]* **recipient** that a registered professional engineer has been selected and will perform the services required in section (9) of this rule;

3. Certification by the *[applicant]* **recipient** that the local match is available; and

4. Certification by the *[applicant]* **recipient** that any required section 404 dredge and fill permits from the United States Army Corps of Engineers or land disturbance permits from the department will be obtained prior to construction.

(5) Eligible Project Costs. *[Eligible costs include the following:]* **The information in this section represents policies and procedures for determining the eligibility of project costs for assistance under the Storm Water Grant and Loan Program.**

(A) General. It is the policy of the commission that all project costs will be eligible if they meet the following tests:

1. Reasonable and cost effective;

2. Necessary for the construction of an operable storm water facility or for the completion of a comprehensive storm water master plan; and

3. Included in the scope of the project as described in the application and engineering submittals.

*[(A)]***(B) Eligible Costs. Eligible costs include at a minimum:**

1. Costs for development of a comprehensive storm water control plan meeting the requirements of subsection (3)*[(E)]***(D)**;

*[(B) An allowance for e]***2. E**ngineering services for planning and design *[or]* **based on** invoiced amounts for a contracted engineering consultant. **A copy of the approved engineering agreement must be submitted to the department or delegated entity when engineering services are to be reimbursed with grant or loan funds. The contract should be a lump sum or cost plus fixed fee contract in the form of a bilaterally executed written agreement.** *[If these services are performed by force account, the cost will only be reimbursed by the allowance. If these services are provided by a contracted consultant, the costs may be invoiced or the allowance may be requested. The allowance for planning and design will be based on a percentage of the eligible construction, land, equipment, materials and supply costs identified in the bid documents or purchase contracts as determined from Table 1 or 2 as applicable.*

Table 1—Maximum Eligible Amount for Comprehensive Storm Water Control Plan and Design

Construction Cost	*Allowance As a Percentage of Construction Cost**
$ 100,000 or less	*14.49*
$ 120,000	*14.11*
$ 150,000	*13.66*
$ 175,000	*13.36*
$ 200,000	*13.10*
$ 250,000	*12.68*
$ 300,000	*12.35*
$ 350,000	*12.08*
$ 400,000	*11.84*
$ 500,000	*11.46*
$ 600,000	*11.16*
$ 700,000	*10.92*
$ 800,000	*10.71*
$ 900,000	*10.52*
$1,000,000	*10.36*
$1,200,000	*10.09*
$1,500,000	*9.77*
$1,750,000	*9.55*
$2,000,000	*9.37*
$2,500,000	*9.07*
$3,000,000	*8.83*
$3,500,000	*8.63*
$4,000,000	*8.47*
$5,000,000	*8.20*
$6,000,000	*7.98*
$7,000,000	*7.81*
$8,000,000	*7.66*
$9,000,000	*7.52*

** Interpolate between values*

Table 2—Maximum Eligible Amount Design Only	
Construction Cost	***Allowance As a Percentage of Construction Cost****
$ 100,000 or less	*8.57*
$ 120,000	*8.38*
$ 150,000	*8.16*
$ 175,000	*8.01*
$ 200,000	*7.88*
$ 250,000	*7.67*
$ 300,000	*7.50*
$ 350,000	*7.36*
$ 400,000	*7.24*
$ 500,000	*7.05*
$ 600,000	*6.89*
$ 700,000	*6.77*
$ 800,000	*6.66*
$ 900,000	*6.56*
$1,000,000	*6.43*
$1,200,000	*6.34*
$1,500,000	*6.17*
$1,750,000	*6.05*
$2,000,000	*5.96*
$2,500,000	*5.80*
$3,000,000	*5.67*
$3,500,000	*5.57*
$4,000,000	*5.48*
$5,000,000	*5.33*
$6,000,000	*5.21*
$7,000,000	*5.12*
$8,000,000	*5.04*
$9,000,000	*4.96*
** Interpolate between values*	

*(C)]***3.** Costs for construction-related engineering **when invoiced per an acceptable two (2)-party engineering agreement**;

*[(D)]***4.** Construction costs including construction permits as issued by DNR;

*[(E)]***5.** Land purchase or permanent easement costs required for storm water holding basins, grass-lined channels or for other limited structural storm water control projects, or buy-outs if the land purchased is restricted such that no permanent structure except for structures allowed under the Missouri Statewide Comprehensive Outdoor Recreation Plan (SCORP) may be constructed within the easement or purchase area. Construction costs related to holding basins on private land are eligible if the eligible *[applicant]* **recipient** retains a permanent easement, is legally responsible for operation and maintenance of the facility, and the basin constructed is clearly for storm water control and not recreational use;

*[(F)]***6.** Costs of force account work for planning, design, construction, *[and]* construction engineering*[;]***, and costs of rented or leased equipment. It does not include the costs of recipient-owned equipment or the costs of administration for grants and loans. Engineering performed by force account must meet the requirements of 10 CSR 20-4.061(9) which state that storm water plan preparation, design, and inspection must be provided by a registered professional engineer or by a person under the direct and continuing supervision of a registered professional engineer. To be considered for force account, the following information must be submitted for review and approval by the department prior to beginning on the project:**

A. Which project(s) they intend to do with city employees;

B. The names of the employees who will be working on the project;

C. A specific time code must be assigned to each project. The letter should state the time code number;

D. For engineering work, the letter must contain an assurance that the employee is a registered professional engineer or the name of the professional engineer who directly supervises this person;

E. The hourly wage for each individual must be given. If the person is salaried, this is the total annual salary divided by two thousand and eighty (2,080) hours. The hourly wage cannot include fringe or indirect costs; and

F. A copy of the time card that will be used. The time card must list the employee name, project time code, hours worked, and the signature of the employee and the supervisor. Should there be a change in employees, salary, or engineering supervisor during the course of the project, the recipient must amend/update the information in the original letter before that salary and/or employee cost can be reimbursed;

*[(G)]***7.** Demolition costs of structures located within storm water control areas provided future development of permanent structures in the storm water control area is restricted;

*[(H)]***8.** Local cost of issuance and capitalized interest incurred on loans administered under this rule;

[(I) Construction costs incurred prior to grant/loan award or DNR letter of commitment are eligible providing the planning and design phases of the project were reviewed and approved by the department or delegated entity prior to the final construction payment;

(J) Planning and design costs incurred prior to grant/loan award or DNR letter of commitment are eligible providing—

1. The planning and design phase is for a facility to be constructed with funds administered by this rule, or is a comprehensive city-wide plan; and

2. Costs associated with paragraph (5)(J)I. were incurred in whole or in part during State Fiscal Year 1999;]

[(K)] **9.** Up to five (5) sequential years of grant and/or loan funding may be used for the same project *[as long as the]* **if it meets the following criteria:**

A. The contract is awarded within the time frame necessary to receive the first grant and/or loan of the sequence**;**

B. *[t]***T**he recipient certifies that there are adequate funds committed from other sources to complete the construction;

C. *[t]***T**he recipient commits to the original funding combination for the entire sequence of grants and/or loans; and

D. *[that t]***T**he recipient certifies that the project will be completed with or without the subsequent year*['']***s' grant/loan funds. *[No more than ninety percent (90%) of each annual grant will be paid until the final construction is complete and acceptable final inspection conducted by the department. Final grant payment will equal the balance of all grants in the sequence up to fifty percent (50%) of the final eligible project costs;]*

*[(L)]***10.** Costs associated with minimizing storm water damage to sink holes;

*[(M)]***11.** The reasonable costs of administrative fees incurred by a delegated entity in connection with each grant; and

12. One hundred percent (100%) of the reasonable costs of a grant anticipation loan will be eligible. Departmental approval must be obtained prior to securing the grant anticipation loan. Grant anticipation loan costs will be approved when the loan is needed for cash flow purposes for the period between the receipt of the letter of commitment and the first receipt of funds by the grantee. The approved costs of a grant anticipation loan will not increase the approved grant amount.

[(N) Costs not included in subsections (5)(A)–(M) are eligible if determined by the department to be reasonable and necessary for the project.]

(6) Ineligible Project Costs. Ineligible costs include, but are not limited to, the following:

(C) Land purchase or easement costs other than those listed in *[subsection (5)(E)]* **paragraph (5)(B)5.**;

[(D) Finance costs, including capitalized interest, for the local share to match the storm water grant if the local share is not a loan obtained through the department, or interest costs during construction;

(E) Items related to photographing or filming; and]

*[(F)]***(D)** Permits required for the ongoing operation of the constructed facility(ies)*[.]***;**

(E) Construction costs incurred prior to the letter of commitment; and

(F) Ordinary upkeep and maintenance of existing facilities.

(7) Grant Amount. The maximum grant is limited to fifty percent (50%) of the total eligible project costs or available funds, whichever is less. The recipient must provide the remaining amount needed to complete the project through a storm water loan administered by the DNR or other **acceptable** source of funds. Grants may be matched with other state or federal grants up to one hundred percent (100%) of the eligible project costs.

(8) Loan Amount. Loans will be available in an amount up to one hundred percent (100%) of eligible project costs. Loans may be matched with state or federal grants. However, in no case will the total government assistance exceed one hundred percent (100%) **of eligible project costs**.

(9) Engineering Requirements.

(A) A registered professional engineer must prepare the *[storm water plan and/or]* **project specific drainage basin plan and** design all **construction** plans and specifications for competitive bidding and compliance with generally accepted storm water design criteria. **The documents must have the professional engineer's seal when they are submitted to the department or delegated entity.**

(10) Bidding Requirements.

(A) This **sub**section applies to procurement of construction equipment, supplies**,** and construction services in excess of *[twenty-five]* **one hundred** thousand dollars (*[$25,000]* **$100,000**) awarded by the recipient for any storm water project *[other than costs directly related to force account work]*.

*[(A)]***1.** Each contract shall be awarded after formal advertising. **The project advertisement must be published in a newspaper at least one (1) time thirty (30) days prior to the bid opening or five (5) consecutive days two (2) weeks prior to bid opening or in accordance with the local government's procurement ordinances.**

*[(B)]***2.** Contract award shall be to the lowest responsive and responsible bidder.

*[(C)]***3.** Departmental concurrence or concurrence from the delegated entity with contract award must be obtained prior to the actual contract award if fewer than three (3) bidders submit bids or if the recipient wishes to award the contract to other than the low bidder. The recipient shall forward the tabulation of bids and a recommendation of contract award to the department or delegated entity for review.

4. Executed contract documents must be submitted prior to the first grant payment **if payments are made monthly**. **If the grant is paid into an escrow account, the executed contract documents must be submitted with the first statement that indicates construction costs were paid with grant funds.**

(B) Small Purchase Contract. A small purchase is the procurement of materials, supplies, and services when the aggregate amount involved in any one (1) transaction does not exceed one hundred thousand dollars ($100,000). The small purchase limitation of one hundred thousand dollars ($100,000) applies to the aggregate total of an order, including all estimated handling and freight charges, overhead, and profit to be paid under the order. In arriving at the aggregate amount involved in any one (1) transaction, all items which should properly be grouped together must be included. A minimum of three (3) quotes must be obtained and approved by the department or delegated entity.

(11) Grant Payments.

(A) For Storm Water Grants and Storm Water Grant Amendments Made during the Period March 4, 2007 through August 30, 2007. For grants that are not matched with loans from this program, full payment will be made at the time of the department's receipt of the executed grant award or grant amendment. The following provisions shall apply:

1. Except for a delegated *[authority]* **entity**, the grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102, RSMo. The requirement to establish an escrow account may be waived for projects that are expected to be complete within three (3) months of grant award;

2. The full grant amount, less any payments processed prior to the date of this rule, will be paid into the grantee's established escrow account or to the grantee directly if the escrow account requirement has been waived;

3. Grant funds paid to the escrow account or to the grantee may be used to pay up to fifty percent (50%) of the costs of section (5) of the rule. No funds may be withdrawn from the escrow account until the following conditions have been met:

A. Projects involving construction and not paid through a delegated entity must submit to the department:

(I) Construction plans and specifications, design criteria and drainage basin plan prepared in accordance with subsection (3)*[(E)]***(D)** of this rule; and

(II) Executed contract documents;

B. All construction contracts must be awarded by December 31, 2007. For grants not paid through a delegated entity, it is the grantee's responsibility to submit the construction documents to the department no later than January 31, 2008. Failure to award the major construction contracts by December 31, 2007 will result in departmental recovery of the full grant amount;

C. For grants for planning projects, the grantee must have all grant funds fully committed to the project by July 1, 2008; and

D. Any funds remaining in an escrow account established under this subsection on January 1, 2010 will be recovered by the department;

4. The grantee shall submit the bank statement of the escrow account monthly within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs. For grantees that have received grant funds when the escrow requirement has been waived, documentation shall be submitted within one hundred twenty (120) days of grant payment; and

5. Projects administered through a delegated entity will be paid in accordance with that entity's procedure on file with the department.

(B) Storm Water Grants and Loans Made after August 30, 2007. Based on the cash flow circumstances of the storm water bond fund, the department may elect to pay out the full grant amount at the time of grant award or to make multiple reimbursement payments to the grantee.

1. If the department elects to make full payment of the grant amount, the payment shall be made at the time of the department's receipt of the executed grant award. The following provisions apply:

A. Except for a delegated entity, the grantee shall establish a separate account dedicated to the storm water grant funds;

B. The grant amount must be deposited to the dedicated account;

C. Grant funds may be used to pay up to fifty percent (50%) of the eligible costs listed in section (5) of this rule. No funds may be withdrawn from the escrow account until the following conditions have been met:

(I) For construction projects not paid through a delegated entity, the grantee must submit and receive departmental concurrence for:

(a) Construction plans and specifications prepared in accordance with subsection (3)(D) of this rule; and

(b) Executed contract documents; and

(II) For planning projects not paid through a delegated entity, the grantee must have the department's approval for all major consulting contracts, and a copy of the consulting contracts must be on file with the department;

D. The bank account may earn interest; however, all withdrawals from the account must be documented with eligible invoices. If the project costs are inadequate to withdraw all the funds in the account, the balance must be refunded;

E. Any funds remaining in an escrow account established under this subsection three (3) years after the initial payment will be recovered by the department; and

F. The grantee shall submit the bank statement of the escrow account monthly within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs.

2. If the department elects to make multiple grant payments rather than fund the grantee's escrow account, payments can be requested no more frequently than monthly. The department will provide a payment form for the grantee to use. The payment request must be supported by invoices to document the costs incurred. Grant funds may be used to pay up to fifty percent (50%) of the eligible costs listed in section (5) of this rule. No funds will be released to the grantee until the following conditions have been met:

A. For construction projects not paid through a delegated entity, the grantee must submit and receive departmental concurrence for:

(I) Construction plans and specifications prepared in accordance with subsection (3)(E) of this rule; and

(II) Executed contract documents;

B. For planning projects not paid through a delegated entity, the grantee must have the department's approval for all major consulting contracts, and a copy of the consulting contracts must be on file with the department; and

C. Any funds remaining in the grant three (3) years after the date of the grant award will be recovered by the department.

3. Projects administered through a delegated entity will be paid in accordance with the delegated entity's procedure on file with the department.

*[(B)]***(C)** An audit to verify eligible project costs will be made by the department after the completion and inspection of the project. Any funds found not expended for purposes listed in section (5) of this rule will be recovered in addition to any applicable penalties.

(12) Loan Requirements.

(A) Loans shall be administered in accordance with the provisions in 10 CSR 20-4.041 or 10 CSR 20-4.042 *[with exception that final payment will be made only after the project is completed and a final inspection is conducted by the department.]* **except that the loan shall not be subject to requirements unique to wastewater treatment projects. When the storm water loan is funded through storm water control bonds, the loan shall not be subject to requirements specific to federal funding.**

(B) Loans must be secured with an acceptable debt instrument including revenue or general obligation bonds or debt issued pursuant to Environmental Improvement and Energy Resources Authority's (EIERA) SRF program policy on annual appropriation-backed debt. Other financing securities will be reviewed on a case-by-case basis. Tax Increment Financing (TIF) security structures will not be considered. Loans must be amortized over twenty (20) years or less from loan closure. Repayment must begin within one (1) year of *[loan closing.]* **project completion.**

(D) Loan payments will be made no more frequently than monthly. *[Grants matched by loans under this program will be paid simultaneously with loan payments.]*

(E) If at any time during the loan period the facility(ies) financed under this rule is sold, either outright or on contract for deed, to other than a political subdivision of the state, the loan becomes due and payable upon transfer.

(14) Stormwater Revolving Fund. Storm water grants and loans may be awarded from the stormwater revolving fund as funds are available. Eligible applicants must be a municipality, county, public sewer district, public water district, or a combination of the same. Except for subsections (3)(A)–(C), all provisions of this regulation apply to grants and loans made from the stormwater revolving fund.

*AUTHORITY: section[s] 644.026, **RSMo 2000** and **section** 644.570, RSMo [2000] **Supp. 2008**. Original rule filed June 9, 1999, effective March 30, 2000. Emergency amendment filed Feb. 1, 2007, effective March 4, 2007, expired Aug. 30, 2007. Amended: Filed March 14, 2007, effective Oct. 30, 2007. Amended: Filed March 16, 2009.*

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Water Protection Program, Joe Boland, PO Box 176, Jefferson City, MO 65102. To be considered, written comments must be received by July 8, 2009. A public hearing is scheduled at a meeting of the Clean Water Commission to be held at 9:00 a.m., July 1, 2009, at the Drury Lodge, 104 South Vantage Drive, Cape Girardeau, Missouri 63702.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits

PROPOSED AMENDMENT

10 CSR 20-6.010 Construction and Operating Permits. The department is amending section (11).

PURPOSE: The purpose of this rulemaking is to provide a mechanism to transfer a construction permit from one owner or continuing authority to another.

(11) Permits Transferable.

(A) Subject to section (3), **a construction permit and/or** *[an]* operating permit may be transferred upon submission to the department of an application to transfer signed by *[a]* **the existing owner and/or continuing authority and the** new owner **and**/or *[other]* continuing authority *[or responsible party]*. Until the time the permit is officially transferred, the original permittee remains responsible for

complying with the terms and conditions of the existing permit. **To receive a transfer permit, the new owner and/or continuing authority must complete an application and demonstrate to the department that the new organization is permanent and will serve as the continuing authority for the operation, maintenance, and modernization of the facility. The new owner and/or continuing authority shall be responsible for complying with the terms and conditions of the permit upon transfer.**

[(C) Construction permits are not transferable. If ownership of a facility under construction changes, the new owner shall apply for a new construction permit following the procedures in section (4).]

*AUTHORITY: sections **640.710 and** 644.026, RSMo 2000. Original rule filed June 6, 1974, effective June 16, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 16, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to john.rustige@dnr.mo.gov. Public comments must be received by July 8, 2009. A public hearing is scheduled at a meeting of the Clean Water Commission to be held at 9 A.M., July 1, 2009, at the Drury Lodge, 104 South Vantage Drive, Cape Girardeau, Missouri 63701.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 5—General Program Procedures

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.135, 630.168, 630.655, and 630.705, RSMo 2000, and sections 630.050, 630.165, 630.167, and 630.170, RSMo Supp. 2008, the director amends a rule as follows:

9 CSR 10-5.200 Report of Complaints of Abuse, Neglect and Misuse of Funds/Property **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2009 (34 MoReg 12–14). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Mental Health received one (1) comment on the proposed amendment.

COMMENT: Wendy Sullivan of the Missouri Coalition for Developmental Disabilities requested that the department consider changing "the allegation results in an investigation, the head of the [facility] agency shall make reasonable arrangements with respect to the alleged perpetrator to assure the safety of all of the [facility's] agency's consumers. Such arrangements may include, but are not limited to, leave with or without pay[,] or transfer to a position where there is no client contact" to "Such arrangements may include, but are not limited to or required to include, leave with or leave without pay [,] or transfer to a position where there is constant supervision if there is client contact required". (See 9 CSR 10-5.200(2)(B))

RESPONSE: The comment requests amending the language referring to a transfer of an alleged perpetrator to a position where there is constant supervision, rather than a transfer to a position where there is no client contact. In fact, the rulemaking language allows that arrangements are not limited to the listed arrangements with the wording "may include, but are not limited to." The rule language includes a description of the more restrictive working environment for an alleged perpetrator in order to assure the safety of consumers, while allowing that the rule does not limit such arrangements to those which are listed. No changes have been made to the rule as a result of the comment.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 5—General Program Procedures

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 633.167, RSMo Supp. 2008, the director adopts a rule as follows:

9 CSR 10-5.230 Hearing Procedures **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2009 (34 MoReg 14–16). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission rescinds a rule as follows:

10 CSR 10-5.290 More Restrictive Emission Limitations for Particulate Matter in the South St. Louis Area **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2008 (33 MoReg 1805–1806). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed rescission during the public comment period.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.381 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 3, 2008 (33 MoReg 1946–1960). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received sixteen (16) comments on the proposed amendment from five (5) sources: Master Auto Repair, Lou Fusz Toyota, Car-Doc Automotive, Al's Automotive & Tire, and the U.S. Environmental Protection Agency (EPA).

COMMENT #1: Master Auto Repair commented that allowing motor vehicle safety-only inspection stations to perform safety inspections on 1996 and newer motor vehicles causes inconveniences for the motoring public, and that this situation requires motorists to go to two (2) different shops (e.g., Safety only and Gateway Vehicle Inspection Program (GVIP) emissions testing) to meet state of Missouri requirements for vehicle registration renewal. Master Auto Repair further commented that all 1996 and newer cars should only be inspected for emissions and safety at Missouri State Highway Patrol (MSHP) licensed GVIP stations.
RESPONSE: Sections 643.303.2 and 307.360, RSMo, allow licensed motor vehicle safety inspection shops that are not participating in the GVIP to perform vehicle safety inspections on 1996 and newer model year vehicles that are subject to a safety inspection. This emissions rule establishes the requirements to meet these statutes. Therefore, no rule language change was made as a result of this comment.

COMMENT #2: Master Auto Repair commented that allowing motorists to receive vehicle emissions waivers when repairs exceed four hundred fifty dollars ($450) defeats the purpose of a vehicle emissions testing program because a vehicle owner is not required to repair their vehicle to eliminate a known emissions problem. Master Auto Repair also questioned the logic of allowing repair estimates exceeding four hundred fifty dollars ($450) to be issued cost-based waivers.
COMMENT #3: Al's Automotive and Tire commented that cost-based estimate waiver provisions have been nothing more than a way for the low-end used car dealers to bypass the need to sell a car that meets emissions standards. If the used car that the dealer sells lasts only two (2) years, then the motorist can junk it and buy another one (1) that has an estimate-based waiver and the cycle continues. Al's Automotive and Tire commented that they have first hand experience with such dealers since they have passed safety on cars and the car lot doesn't worry about the failed on-board diagnostics (OBD) results. While there may be legitimate car owners that are placed under a financial hardship to meet the requirements of the emissions failure, Al's Automotive and Tire commented that the proposed estimate waiver is not the answer because this rule makes the OBD test a waste of time and money.
COMMENT #4: Lou Fusz Toyota commented that catalytic converters should be removed from the parts list that are eligible for cost-based waivers.
RESPONSE AND EXPLANATION OF CHANGE: The EPA designed cost-based waivers as a compromise between two (2) competing objectives: inspection and maintenance (I/M) program effectiveness and motorist convenience. An I/M program with waivers is less effective, but is more convenient for motorists. An I/M program without waivers is more effective, but is less convenient for motorists. 40 CFR 51.360 allows state I/M programs to issue repair waivers so that motorists can make honest repair attempts and renew their vehicle registrations even if the vehicle is not completely repaired. Section 51.360 subparagraph (a)(6) states, in part, — "In basic programs, a minimum of . . . $200 for 1981 and newer vehicles shall be spent in order to qualify for a waiver."

Sections 643.300 to 643.355, RSMo, collectively known as the Air Quality Attainment Act, establish Missouri's basic decentralized I/M program. The GVIP conforms to the federal requirements established by the EPA for states that have areas in violation of the federal Clean Air Act. Specifically, section 643.335.1, RSMo, requires that the Missouri Air Conservation Commission (MACC) establish, by rule, a repair waiver amount no greater than four hundred fifty dollars ($450). Unless this statute is rescinded or amended by the Missouri General Assembly, the GVIP must include the cost-based waiver provisions of the rule. The total number of cost-based waivers issued during the first year of GVIP was less than one (1) percent of the failed vehicles, so the GVIP is maximizing program effectiveness while still providing some motorist convenience related to expensive repairs.

The proposed amendment added an estimate-based waiver requirement because there are some necessary emissions-related components that cost more than four hundred fifty dollars ($450). If, for example, a vehicle fails the OBD test with a catalytic converter diagnostic trouble code (DTC), and needs a new catalytic converter that costs six hundred dollars ($600), and the motorist intends to seek a waiver, they cannot purchase the converter without exceeding the four hundred fifty dollars ($450) spending minimum. The estimate-based waiver allows the motorist to replace the converter within the next two (2) years after the waiver is issued. The proposed amendment limits estimate-based waivers to once per single diagnostic trouble code (DTC). Therefore, vehicles cannot qualify for an estimate-based waiver if either a cost-based waiver or a cost-based estimate waiver was issued for that vehicle during a previous biennial inspection cycle for the same single DTC. Fewer than twenty-five percent (25%) of the cost-based waivers submitted during the first year of the GVIP were estimate-based waiver requests. In most estimate-based waiver request cases, motorists have repaired several DTCs so that the vehicle has only one DTC with an expensive repair remaining, so the estimate-based waiver option is providing necessary motorist convenience related to expensive repairs.

The proposed amendment was silent about whether catalytic converter repairs would be considered eligible for cost-based or estimate-based waivers and should clarify how catalytic converter replacements will be considered for repair waivers. While section 643.335.1, RSMo, does not give the MACC the statutory authority to exclude catalytic converter repairs from cost-based and estimate-based waiver consideration, section 643.335.2, RSMo, does give the MACC the statutory authority to establish, by rule, a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. Therefore, new rule language is being added to clarify that catalytic converter repairs are accepted for cost-based and estimate-based waivers if the catalytic converter replacements conform to the EPA's Aftermarket Catalytic Converter (AMCC) enforcement policy. New rule language was also added to clarify that installing or assisting motorists with the installation of aftermarket catalytic converters that do not conform to the EPA's AMCC enforcement policy is a violation of this rule and will lead to enforcement by either the department, the MSHP, or the EPA. Finally, new rule language was added so that the regulated community will know what the increased civil penalties for violating the EPA's AMCC enforcement policy are.

While reviewing the proposed amendment in relation to the comments from Master Auto Repair and Lou Fusz Toyota, a reference to state rule 10 CSR 10-6.320 Sales Tax Exemption was noticed in paragraph (3)(K)3. of the proposed amendment. However, state rule 10 CSR 10-6.320 is being rescinded by a separate rule action due to House Bill 1670 (2008) passing the Missouri General Assembly. Therefore, this reference is being removed from the rule language, and the automotive parts that are air pollution control devices and therefore exempt from state sales tax have been added to the rule language.

COMMENT #5: Master Car Care commented that the state should set guidelines on the amount the GVIP vendor, SysTech International (STI), can charge for consumable office supplies necessary to participate in the GVIP (e.g., printer paper, printer ink or cartridges, labels, etc.).
COMMENT #6: Car-Doc Automotive commented about the costs of consumable office supplies associated with GVIP participation. Car-Doc Automotive commented that several of the consumable items can be purchased locally for much less than the amount charged by STI and that these unregulated costs cannot be offset by the thirty-six dollars ($36) combined safety and emissions inspection and proposed that the state establish a fixed cost menu list for consumables.
RESPONSE: The purchase of consumables is required by the contract between STI and GVIP-participating stations to prevent the equipment warranty from being voided by STI. Consumables such as toner cartridges or paper are mailed by STI employees or their subcontractors as soon as they are ordered. Replacement hardware components such as printers and digital cameras are delivered and installed by STI employees. The department does not have statutory authority to set price caps on consumables supplied by STI. Therefore, no rule language change was made as a result of this comment.

COMMENT #7: Car-Doc Automotive commented that the placing of a webcam or lane camera on top of the GVIP testing equipment was an invasion of privacy.
RESPONSE: The lane camera was an enhancement offered by STI as part of their bid to the state and was not a requirement of the Request for Proposal (RFP) issued by the state. The rule amendment requires the lane camera to be located in such a manner as to be able to allow department and MSHP auditors to watch a vehicle undergoing emissions and/or safety inspections. If state auditors have a reason to activate the camera, the lane cameras will only be activated by the state while a state inspection is being performed. The lane cameras will not be activated at any other time. Therefore, no rule language change was made as a result of this comment.

COMMENT #8: Car-Doc Automotive commented that the state should undertake a public education program that would inform motorists and law enforcement officials what OBDII readiness monitors are and what is necessary to reset them.
RESPONSE: Currently, there is an ongoing public education program regarding the GVIP. All public information, including information about readiness monitors and what is necessary to reset them, is available on the GVIP web site, www.GatewayVIP.com. Inspection and/or repair stations can also provide public information regarding readiness monitors to their customers by viewing and/or printing any public information they need from the GVIP inspection equipment. Therefore, no rule language change was made as a result of this comment.

COMMENT #9: Car-Doc Automotive commented that the state should eliminate the rule requirement for inspection stations to take viewable electronic photos of a vehicle's dashboard vehicle identification number (VIN) due to the difficulty of taking viewable photos.
COMMENT #10: Al's Automotive and Tire commented that VIN pictures from the windshield are not practical and will not always be clear. Requiring the testing stations to illuminate the VIN plate with supplemental lighting, block overhead lighting with a solid object, or take the photo at an angle so that the camera flash or overhead lights are not reflected by the windshield glass adds more time to an already lengthy process. Al's Automotive and Tire commented that they would be happy to submit photos of the customer's VIN plate as is, so the department and the MSHP can see how often the technician has to clear clutter just to get to the VIN plate. Al's Automotive and Tire also commented that the rule should be amended so that the technician is not required to clear clutter from the VIN plate and only submit the photo as is.
RESPONSE: The requirement for inspection stations to take viewable digital photos of a vehicle's dashboard VIN is one of several intentional design features that helps to maintain the integrity of the GVIP. The photograph must be of the publicly displayed VIN, and the VIN plate is the publicly displayed VIN. Without confirmation of the vehicle's VIN, the GVIP could be vulnerable to inspection fraud. The department and the MSHP frequently review vehicle inspection photos, and note that many stations are able to take viewable VIN photos. Both the department and the MSHP believe that this requirement does not impose an undue burden on licensed inspection stations. Therefore, no rule language change was made as a result of this comment.

COMMENT #11: Car-Doc Automotive commented that the excess number of pages needed to be printed for failing and retest passing tests is wasteful.
RESPONSE: The department recognizes that the current lane software version prints too many pages of paper and is working with STI to rectify this problem. The number of pages printed for failing and retested vehicles will be reduced by a lane software upgrade in calendar year 2009. Therefore, no rule language change was made as a result of this comment.

COMMENT #12: Car-Doc Automotive commented that STI should provide online troubleshooting service to inspection stations so shops can solve problems via online remote access.
RESPONSE: Online troubleshooting was not a required or requested feature of the state's RFP. However, STI is required to provide a 24-hour toll-free hotline with live support from 8 AM to 6 PM Central Time and, if the problem cannot be solved by the phone support personnel, an onsite response within an average of four (4) hours. The department will continue to monitor STI's response time to troubleshooting service calls to ensure contract compliance. No rule language change was made as a result of this comment.

COMMENT #13: Al's Automotive and Tire commented that the state either needs to increase the inspection fee to cover the additional printing costs of mileage-based waivers starting October 1, 2009, or supply the paper and toner necessary to cover the costs of this new requirement.
RESPONSE: Section 643.350.1, RSMo, establishes an emissions inspection fee cap of no greater than twenty-four dollars ($24.00). Therefore, the emissions inspection fee cannot be raised to cover the costs of issuing mileage-based waivers. However, the department will work with STI to ensure that mileage-based waivers are printed on the same piece of paper as safety inspections so that no additional printing costs will be incurred by licensed inspection stations that issue mileage-based exemptions. No rule language change was made as a result of this comment.

COMMENT #14: Al's Automotive and Tire commented that the MSHP needs to supply a confirmation either via e-mail to the station owner or via Missouri Decentralized Analyzer System (MDAS) message that verifies the credit counts that were added to the MDAS after each purchase of safety and emission credits.
RESPONSE: The department and the MSHP will work with STI to develop a way to automatically notify an inspection station owner or

manager when safety or emissions test authorizations are uploaded to the inspection station's GVIP equipment. No rule language change was made as a result of this comment.

COMMENT #15: Al's Automotive and Tire commented that the amendment needs to require that the contractor reimburse any vehicle inspection database (VID) service fee overcharges within sixty (60) days because currently the stations have no recourse.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, rule language was added to require STI to reimburse VID service fee overcharges within sixty (60) days.

COMMENT #16: The EPA commented that the department must provide a narrative describing the effect of the changes on emissions and a determination by the department whether the I/M program continues to meet the I/M performance standard.
RESPONSE: The department will provide a narrative describing the effect of the rule amendment on vehicle emissions and a determination of whether the I/M program will continue to meet the basic I/M performance standard when this amendment, if adopted by the MACC, is submitted to EPA for inclusion in the State Implementation Plan. No rule language change was made as a result of this comment.

10 CSR 10-5.381 On-Board Diagnostics Motor Vehicle Emissions Inspection

(3) General Provisions.

(D) Emissions Inspection Fees.

1. Initial vehicle emissions inspection fee. At the time of an initial emissions inspection, the vehicle owner or driver shall pay no more than twenty-four dollars ($24) to the licensed emissions inspection station. The inspection station shall determine the forms of payment accepted. Fleet operators inspecting their own fleet vehicles at their own inspection facility are exempt from initial vehicle emissions inspection fees.

2. Vehicle emissions reinspection fee. Each initial vehicle emissions inspection fee shall include one (1) free reinspection, provided that the reinspection is conducted within twenty (20) business days of the initial emissions inspection at the same inspection station that performed the initial inspection.

A. To qualify for one (1) free reinspection, the vehicle owner or driver shall present the previous VIR and the completed repair data sheet described in subsection (4)(D) of this rule to the emissions inspection station that conducted the initial emissions inspection, within twenty (20) business days of the initial emissions inspection. The emissions inspector shall return the previous VIR to the vehicle owner.

B. At the emissions inspection station's discretion, reinspections occurring more than twenty (20) business days after the initial emissions inspection may be performed upon payment of the initial emissions inspection fee to the emissions inspection station.

C. Fleet operators reinspecting their own fleet vehicles at their own inspection facility are exempt from vehicle emissions reinspection fees.

3. Emissions inspection oversight fee.

A. Licensed emissions inspection stations shall pre-pay the state two dollars and fifty cents ($2.50) for each passing emissions inspection that they intend to perform. The fee shall be paid to the Director of Revenue and submitted to the MSHP. The MSHP shall deposit the fee into the "Missouri Air Emissions Reduction Fund" as established by section 643.350, RSMo. The MSHP will then use the contractor's VID to credit the number of pre-paid emissions inspections to the licensed emissions inspection station's MDAS. The MDAS shall deduct one (1) emissions credit authorization for each passing emissions inspection.

B. Licensed inspection stations are required to maintain a sufficient positive quantity of emissions credits on their analyzer(s) to prevent having to turn away motorists who have requested an inspection.

C. At the time that a licensed emissions inspection station discontinues operation or chooses not to renew its emissions inspection license, the department will issue the licensed emissions inspection station a full refund of two dollars and fifty cents ($2.50) for each paid emissions inspection credit authorization that remains on the licensed emissions inspection station's MDAS. The department shall withdraw the pre-paid fees from the "Missouri Air Emissions Reduction Fund" as established by section 643.350, RSMo, and send the existing balance of the pre-paid fees to the licensed inspection station. The MSHP will then delete all pre-paid emissions inspections from the inspection equipment.

4. Vehicle inspection database (VID) service fee. Licensed emissions inspection stations shall pay the contractor three dollars and forty-five cents ($3.45) for each paid emissions inspection that they perform. The fee shall be made payable to the contractor and submitted monthly according to the terms of the contract between the contractor and the licensed emissions inspection stations. The contractor shall reimburse any vehicle inspection database (VID) service fee overcharges to an inspection station within sixty (60) days of the date of notification by the emissions inspection station manager.

(K) Emissions Inspection Waivers and Exemptions.

1. Cost-based waivers. Vehicle owners or purchasers shall be issued a cost-based waiver for their vehicle under the following conditions:

A. The subject vehicle has failed the initial emissions inspection, has had qualifying repairs, and has failed an emissions reinspection;

B. The vehicle has passed the bulb check test described in subparagraph (5)(B)2.A. of this rule, the data link connector test described in subparagraph (5)(B)3.A. of this rule, the communications test described in subparagraph (5)(B)3.B. of this rule, and the readiness monitor test described in paragraph (5)(B)4. of this rule.

C. The subject vehicle has all of its emissions control components correctly installed and operating as designed by the vehicle manufacturer.

(I) To the extent practical, the department representative shall use the MSHP air pollution control device inspection method described in 11 CSR 50-2.280 to fulfill the requirement of this subparagraph.

(II) If the vehicle fails the visual inspection described in 11 CSR 50-2.280, then the vehicle will be denied a cost-based waiver;

D. The vehicle operator has submitted to the department the appropriate waiver application with all required information and necessary signatures completed, along with all itemized receipts of qualifying repairs. The qualifying repairs must meet the requirements of paragraph (3)(K)2. of this rule. The itemized receipts must meet the requirements of paragraph (3)(K)3. of this rule;

E. At the discretion of the department, the vehicle owner or operator may be required to make arrangements to bring the vehicle to the department or the department's designee for visual verification of the vehicle's repairs or estimated repairs in the case of a cost-based estimate waiver application; and

F. To the extent practical, the department representative has verified that the repairs indicated on the itemized receipts for qualifying repairs were made and that the parts were repaired/replaced as claimed.

2. The minimum amount spent on qualifying repairs for cost-based waivers shall—

A. Exceed four hundred fifty dollars ($450) for vehicles not fully repaired solely by the owner of the failed vehicle;

B. Exceed four hundred dollars ($400) for all vehicles repaired solely by the owner of the failed vehicle. Only qualified repairs that include the part costs for the purchase and installation of the following parts listed in 40 CFR 51.360(a)(5) will be accepted:

(I) Oxygen sensors;

(II) Catalytic converters;

(III) EGR valves;
(IV) Evaporative canisters;
(V) PCV valves;
(VI) Air pumps;
(VII) Distributors;
(VIII) Ignition wires;
(IX) Coils;
(X) Spark plugs; and
(XI) Any hoses, gaskets, belts, clamps, brackets, or other accessories directly associated with these parts.
If the emissions failure is not related to the parts listed in this subparagraph, the cost of replacing such parts will not count towards the waiver minimum;

C. Exceed two hundred dollars ($200) for all motorists who provide the department representative with reasonable and reliable proof that the owner is financially dependent on state and federal disability benefits and other public assistance programs. The proof shall consist of government issued documentation providing explanation of the motorist's disability and financial assistance with regard to personal income. The motorist must also submit the appropriate cost-based waiver application with their "Financial Eligibility Waiver Request";

D. Be inclusive of part costs paid by motorists performing qualified vehicle repairs by themselves or for qualified emissions repair services performed by any repair technician. Labor costs shall only be applied toward a cost-based waiver if the qualified repair work was performed by a Recognized Repair Technician;

E. Not include the fee for an emissions inspection or reinspection;

F. Not include the fee for a safety inspection or reinspection;

G. Not include charges for obtaining a written estimate of needed repairs;

H. Not include the charges for repairs necessary for the vehicle to pass a safety inspection;

I. Not include costs for repairs performed on the vehicle before the initial emissions inspection failure or more than ninety (90) days after the initial emissions inspection failure;

J. Not include expenses that are incurred for the repair of:

(I) Emissions control devices or data link connectors that have been found during either a safety or an emissions inspection to be tampered with, rendered inoperative, or removed;

(II) the MIL; or

(III) for OBD communications failures;

K. Not include the state sales tax for the following motor vehicle parts that are air pollution control devices:

(I) Air injection parts, air pumps, check valves, and smog pumps;

(II) Catalytic converters (universal converters, direct fit converters, converter kits);

(III) Exhaust gas recirculation (EGR) valves;

(IV) Evaporative canisters and canister purge valves;

(V) Positive crankcase ventilation (PCV) valves; and

(VI) Any vehicle parts that serve the equivalent functions of the parts listed in parts (3)(K)2.K.(I)–(3)(K)2.K.(V) of this rule;

L. Not include costs and expenses associated with aftermarket catalytic converter replacements that do not conform to the EPA's Aftermarket Catalytic Converter (AMCC) enforcement policy. The EPA's AMCC enforcement policy is hereby incorporated by reference in this rule. This rule does not incorporate any subsequent amendments or additions to the EPA's AMCC enforcement policy:

(I) The Notice of Proposed Enforcement Policy regarding the "Sale and Use of Aftermarket Catalytic Converters," published on August 5, 1986, by 51 FR 28114 as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408;

(II) The publication "What You Should Know About Using, Installing Or Buying Aftermarket Catalytic Converters" published in September 2000 by the U.S. Environmental Protection Agency (EPA), Office of Air and Radiation, Office of Transportation and Air Quality, 1200 Pennsylvania Avenue NW, Washington, DC 20460; and

(III) The letter "Sale and Use of Aftermarket Catalytic Converters for Vehicles Equipped with On-Board Diagnostic (OBD-II) Systems" sent on September 30, 2004, by the U.S. Environmental Protection Agency (EPA), Office of Enforcement and Compliance Assurance, 1200 Pennsylvania Avenue NW, Washington, DC 20460 to the Manufacturers of Emission Control Association.

M. Not include expenses that are incurred for the restoration of the vehicle manufacturer's emissions control system due to the installation of sensor simulators, engine control module upgrades, or other aftermarket components that disable readiness monitors or in any way bypass or compromise the vehicle manufacturer's emissions control system; and

N. Not include costs for emissions repairs or adjustments covered by a vehicle manufacturer's warranty, including the minimum federal catalytic converter warranty period of eight (8) years or eighty thousand (80,000) miles, insurance policy, or contractual maintenance agreement. The emissions repair costs covered by warranty, insurance, or maintenance agreements shall be separated from other emissions repair costs and shall not be applied toward the cost-based waiver minimum amount. The operator of a vehicle within the statutory age and mileage coverage under subsection 207(b) of the federal Clean Air Act shall present a written denial of warranty coverage, with a complete explanation, from the manufacturer or authorized dealer in order for this provision to be waived.

3. The vehicle operator shall present the original of all itemized repair receipts to the department representative to demonstrate compliance with paragraph (3)(K)2. of this rule. The itemized repair receipt(s) shall—

A. Include the name, physical address, and phone number of the repair facility and the model year, make, model, and VIN of the vehicle being repaired;

B. Describe the diagnostic test(s) performed to identify the reason the vehicle failed an emissions inspection;

C. Describe the emissions repair(s) that were indicated by the diagnostic test(s);

D. Document the emissions repairs performed were authorized by the vehicle owner or operator;

E. Describe the emissions repairs that were performed by the repair technician or vehicle owner;

F. For catalytic converter replacements, include as a separate attachment the documentation that the EPA's AMCC enforcement policy requires of the catalytic converter retail seller, vehicle owner and/or installer. Catalytic converter replacements will only be accepted towards a cost-based waiver if they are installed on gasoline-powered vehicles that have failed the most recent OBD test with at least one (1) catalytic converter DTC (P0420-P0439) as recorded on a failing VIR described in subsection (4)(B) of this rule.

G. Describe the vehicle part(s) and the quantity or each type of part(s) that were serviced or replaced;

H. Describe the readiness monitors that were either set to ready or left unset;

I. Describe the diagnostic test(s) performed after the repairs were completed to verify that the vehicle's emissions control system is now operating as it was designed to operate by the manufacturer;

J. Clearly list the labor costs, if the vehicle was repaired by a repair technician, and the part(s) costs separately for each repair item;

K. Include the repair technician's name (printed or typed), signature and, if applicable, the unique identification number of the Recognized Repair Technician that performed the repair work; and

L. Confirm that payment was collected or financed for the services rendered and/or parts replaced as listed on the itemized repair receipt(s).

4. Cost-based estimate waivers. Vehicles shall be issued a cost-based estimate waiver under the following conditions:

A. The subject vehicle has failed the initial emissions inspection or reinspection after repair(s) with a single DTC.

B. The vehicle has passed the bulb check test described in subparagraph (5)(B)2.A. of this rule, the data link connector test described in subparagraph (5)(B)3.A. of this rule, the communications test described in subparagraph (5)(B)3.B. of this rule, and the readiness monitor test described in paragraph (5)(B)4. of this rule.

C. The subject vehicle cannot have received either a cost-based waiver or a cost-based estimate waiver during a previous biennial inspection cycle for the same single DTC;

D. The vehicle owner has paid for a diagnostic test of that DTC by a Recognized Repair Technician or a vehicle repair business that specializes in a particular make of vehicle or type of repair (e.g., transmission repairs), with the items tested and the results described on the repair estimate; and

E. The diagnostic test results and parts required for the repair of the single DTC are documented by the shop to exceed four hundred fifty dollars ($450).

5. The department reserves the right to investigate all cost-based waiver requests and submitted receipts. Cost-based waiver requests with incomplete information and/or receipts that do not identify the vehicle that was repaired, do not itemize the actual cost of the parts that were serviced, do not list the labor costs separately from the part costs, indicate that state sales tax was charged on air pollution control parts exempted from state sales tax as defined in paragraph (3)(K)2. of this rule, or contain fraudulent information or part costs as determined by department representatives will not be accepted by the department. If the conditions of paragraphs (3)(K)1.–(3)(K)4. of this rule have been met, the department representative shall issue a cost-based waiver and provide the windshield sticker to be affixed to the vehicle by the vehicle owner. The windshield sticker shall meet the requirements of paragraph (4)(F)2. of this rule.

6. The contractor shall provide the means to issue cost-based waivers, VIRs, and windshield stickers from either the department's offices or from a portable solution as required by the contract.

7. Out-of-area exemptions. Provided the vehicle owner or driver submits a completed, signed out-of-area affidavit to the department indicating that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, RSMo, for the next twenty-four (24) months, the department shall issue an emissions inspection VIR, with an indicator to show that the vehicle has received an out-of-area exemption to the vehicle owner or driver, and a windshield sticker shall be affixed to the subject vehicle.

8. Reciprocity waivers. Provided the vehicle owner or driver presents proof, acceptable to the department, that the subject vehicle has successfully passed an OBD emissions inspection in another state within the previous sixty (60) calendar days, the department shall issue an emissions inspection VIR with an indicator to show that the vehicle has received a reciprocity waiver to the vehicle owner or driver, and a windshield sticker shall be affixed to the subject vehicle.

A. Reciprocity waivers shall be issued if the motorist submits proof of a passing OBD emissions inspection from one (1) of the following states: Alaska, Arizona, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Louisiana, Maine, Massachusetts, Maryland, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee unless tested in Shelby County (Memphis), Rhode Island, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

B. Should any of these states discontinue the use of pass/fail OBD inspections, the reciprocity waiver shall not be granted.

9. Mileage exemptions. Provided the vehicle owner or driver submits the required information described in subsection (4)(H) of this rule, the department or the MDAS shall issue an emissions inspection VIR, with an indicator to show that the vehicle has received a mileage-based exemption to the vehicle owner or driver.

10. GVWR exemptions. Provided the emissions inspector verifies that the vehicle is over eight thousand five hundred pounds (8,500 lbs.) GVWR, the MDAS shall issue an emissions inspection VIR, with an indicator to show that the vehicle has received a GVWR exemption to the vehicle owner or driver.

11. The contractor shall provide the means to issue out-of-area, reciprocity, mileage, and GVWR waivers, exemptions, and VIRs, from either the department's offices or from a portable solution as required by the contract.

(N) Violations and Penalties.

1. Criminal penalties. Persons violating this rule shall be subject to the criminal penalties contained in section 643.355, RSMo.

2. Procedural penalties. Fraudulent emissions inspections or repairs are a violation of this rule. All emissions inspection station operators and emissions inspectors shall comply with the emissions inspection law, sections 643.300–643.355, RSMo, and this emissions inspection rule. All emissions inspections and repairs shall be conducted in accordance with this emissions inspection rule. The department shall cause unannounced tests of facilities which inspect, repair, service, or maintain motor vehicle emissions components and equipment, including submitting known high emission vehicles with known defects for inspection and repair without prior disclosure to the repair facility. Failure to comply with the emissions inspection law or the emissions inspection rule will subject the emissions inspection station manager and emissions inspector(s) to one (1) or more of the following procedural penalties:

A. Warning;

B. Lockouts as described in paragraph (3)(N)3. of this rule;

C. Fines as described in paragraph (3)(N)4. of this rule;

D. Suspension or revocation of emissions inspection station and/or inspector licenses as described in (3)(N)5. of this rule;

E. The department's refusal to accept repair receipts from an inspection station or repair facility for the purpose of issuing cost-based waivers;

F. The department's revocation of Recognized Repair Technician status if the repair technician is reported by the department to the attorney general for unlawful merchandising practices according to subsection 643.330.4, RSMo;

G. Reporting of unlawful merchandising practices as defined in state statute Chapter 407, RSMo, by the department to the attorney general for appropriate legal proceedings under sections 407.095 and 407.100, RSMo; and

H. Department or MSHP requests for investigation and/or criminal and civil penalties by the U.S. Environmental Protection Agency.

3. Lockouts. The department or MSHP may electronically lockout any emissions inspector, station, MRRT, or equipment if the department or MSHP identifies any irregularities within the emissions inspection database or any irregularities identified during either overt or covert audits. The lockout may precede warnings, license suspensions or revocations, or arrests. The state's contractor shall display a lockout warning on the monitor of any inspection equipment that is locked out by the department or MSHP. Lockouts shall prevent the performing of emissions inspections by the locked out party. Lockouts shall be cleared when the department or MSHP is satisfied that there is no longer a need for the lockout. Irregularities include, but are not limited to:

A. Failure to enter all required information properly and accurately as described in paragraph (3)(H)6. of this rule;

B. Uploading unclear pictures, uploading license plate pictures that do not match the license plate recorded on the VIR, or failing to upload pictures as described in paragraph (3)(H)7. of this rule;

C. Disconnecting or misdirecting the view of the USB lane camera described in subparagraph (3)(H)8. of this rule;

D. Clean scanning as described in subsection (2)(B) and paragraph (3)(H)9. of this rule;

E. Performing more inspections than are physically possible for a given time duration;

F. Performing emissions inspections using another emissions inspector's fingerprint or password;

G. Conducting off-line inspections while the MDAS is not connected to the VID, unless the VID is off-line;

H. Conducting improper safety inspection of the air pollution control devices described in 11 CSR 50-2.280;

I. Bad faith or fraudulent repairs performed at the emissions inspection station or MRRT repair facility where—

(I) Vehicles repeatedly fail reinspections for the same reasons that they initially failed the OBD test;

(II) Vehicle repairs are not qualifying repairs as described in subsection (2)(W) of this rule; or

(III) Physical visual inspection of the repaired vehicles determines that the repairs were not performed as described on the submitted repair receipts;

J. Installing or assisting motorists with the installation of aftermarket catalytic converters that do not conform to EPA's AMCC enforcement policy, which is incorporated by reference in subparagraph (3)(K)2.L. of this rule;

K. Installing or assisting motorists with the installation of aftermarket components that disable or compromise the capabilities of the vehicle manufacturer's EPA-certified emissions control system;

L. Failure to maintain a positive balance of emissions inspection credit authorizations described in subparagraph (3)(D)3.B. of this rule;

M. Failure to upload the emissions inspection results to the VID immediately upon completion of the inspection per paragraph (3)(H)2. of this rule;

N. Failure to properly reinspect vehicles that failed an initial emissions test per paragraph (3)(J)1. of this rule;

O. Failure to pay the VID Service Fees according to the terms of the contract between the contractor and licensed emissions inspection stations as described in paragraph (3)(D)4. of this rule;

P. Failure to download and install the latest version of lane software to the MDAS; and

Q. Failure to maintain dedicated data transmission capabilities for the emissions inspection equipment to stay online with the contractor's VID.

4. Fines. If anyone is found to have committed an intentional procedural violation of this rule or that anyone's procedural violation involved gross negligence of this rule, they are subject to a fine, and such fine shall be not less than five (5) times the amount of the fee described in paragraph (3)(D)1. of this rule.

5. Emissions inspection license suspension and revocation. Before any emissions inspection station license or emissions inspector license is suspended or revoked by the department or the MSHP, the holder will be notified, either in writing by certified mail or by personal service at the station's address of record, and given the opportunity to have an administrative hearing as provided by 643.320.3, RSMo.

A. Suspension of emissions inspection station and/or inspector licenses shall be for a period no less than thirty (30) days and not more than one (1) year.

B. Revocation of emissions inspection station and/or inspector licenses shall be for a period no less than one (1) year and not more than three (3) years.

6. Civil penalties. Installing catalytic converters that do not conform to EPA's AMCC enforcement policy, which is incorporated by reference in subparagraph (3)(K)2.L. of this rule, or installing aftermarket components that in any way bypass or compromise the vehicle manufacturer's emissions control system on a vehicle operated in the ozone nonattainment area is a violation of this rule and the federal Clean Air Act section 203(a)(3) (42 U.S.C. 7522 (a)(3)) and may result in the penalties described in the federal Clean Air Act section 205(a) (42 U.S.C. 7524 (a)).

A. Any manufacturer or new vehicle dealer who violates section 203(a)(3)(A) (42 U.S.C. 7522 (a)(3)(A)) of the federal Clean Air Act shall be subject to a civil penalty of not more than thirty-seven thousand five hundred dollars ($37,500), as promulgated on December 11, 2008, by 73 FR 75340 by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408 which is hereby incorporated by reference in this rule. This rule does not incorporate any subsequent amendments or additions to the *Federal Register*. Any violation of section 203(a)(3)(A) (42 U.S.C. 7522 (a)(3)(A)) shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine.

B. Any person other than a manufacturer or new vehicle dealer who violates section 203(a)(3)(A) of the federal Clean Air Act (42 U.S.C. 7522 (a)(3)(A)) or any person who violates section 203(a)(3)(B) of the federal Clean Air Act (42 U.S.C. 7522 (a)(3)(B)) shall be subject to a civil penalty of not more than three thousand seven hundred fifty dollars ($3,750), as promulgated on December 11, 2008 by 73 FR 75340, which is incorporated by reference in paragraph (3)(N)6.A. of this rule. Any violation of section 203(a)(3)(A) (42 U.S.C. 7522 (a)(3)(A)) shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine. Any violation of section 203(a)(3)(B) (42 U.S.C. 7522 (a)(3)(B)) shall constitute a separate offense with respect to each part or component.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.061 Construction Permit Exemptions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 3, 2008 (33 MoReg 1960–1963). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments on the proposed amendment from the United States Environmental Protection Agency (EPA) Region VII.

COMMENT #1: EPA Region VII commented that the scale of the exemption is one which may not protect air quality and these installations should either be subject to case-by-case review or a well-justified permit by rule. In addition, the exemption lacks most elements of practical enforceability and may not be State Implementation Plan (SIP) approvable.

RESPONSE: The Construction Permits Exemption rule is just as enforceable as any other rule or regulation. These temporary storage projects, without this proposed exemption, are addressed under 10 CSR 10-6.060 section (3) Temporary Installations and Pilot Plants Permits under which the permitting authority may exempt temporary installations having a potential-to-emit under one hundred (100) tons of each pollutant from any requirements of the rule. Exemptions from air permitting are not taken lightly and generally arise from an instance where time spent on a permitting action does not equal the benefits of air quality. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT #2: It appears, based on the criteria in 10 CSR 10-6.061 section (1), that this exemption is intended only for temporary

storage at minor sources not otherwise subject to the prevention of significant deterioration (PSD), Part D (nonattainment) and section 112(g) major source permitting programs. Due to the uncertainty in how Missouri interprets potential-to-emit to grant preconstruction waivers, no-permit-required decisions, and potentially misclassifying Title V permits; any permit exemption is viewed with extreme caution by EPA. Therefore, the department has an obligation to ensure that minor sources are not jeopardizing the national ambient air quality standards (NAAQS) and should have adequate procedures in place to review ambient impacts.

RESPONSE: This proposed exemption only exempts temporary storage projects (at grain handling, storage, or drying facilities) that would not trigger major permit reviews, as established in 10 CSR 10-6.061 subsection (1)(B). This exemption would not apply to an existing major source proposing to install temporary storage. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT #3: In the proposed rule changes for subpart (3)(A)2.E.(II)(c), EPA is concerned that with no definition for abundant or other threshold to know when the exemption applies, the provision is unenforceable as a practical matter. Also, if Missouri intends to not require permitting for such storage facilities, then it should not limit the exemption to exceptional events or emergencies.

RESPONSE: There is no need to define abundant because the exemption is based on potential emissions of the proposed temporary structure. The only events in the grain industry that warrant temporary storage are exceptional events. In the grain business, grain is not typically stored long term on site unless there is an unusual occurrence which causes exceedance of available storage capacity. This exemption stems from an abundant harvest and a hurricane at a time when grain handling facilities were forced to store grain rather than ship/sell it. It necessitated a quick response from the department. The grain industry, who this exemption applies to, does not benefit from storage of grain and attempts to minimize the storage and emissions. Therefore, air quality is not impacted by these temporary structures. No wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT #4: In the proposed rule changes for item (3)(A)2.E.(II)(c)III., annual mass caps, without appropriate methods for calculation and retention of records to demonstrate the source is eligible, are unenforceable, cannot be used to limit potential-to-emit for purposes of avoiding major source review, and are not SIP approvable.

RESPONSE: The rule is based on the potential-to-emit of the project rather than an annual mass cap on a facility. As mentioned in the response to Comment #2, the exemption is not allowed if the project would require a major permit. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT #5: If a temporary storage facility was constructed at an existing major stationary source, which is not prohibited by the rule, the source could be in violation of the PSD requirements because the emissions from particulate matter (PM) and particulate matter with ten (10) micrometer aerodynamic diameter or less (PM_{10}) would exceed twenty-five (25) and fifteen (15) tons per year (tpy), respectively. The rule should either limit the allowable emissions increase to below the PSD significance thresholds (and include appropriate methods for calculation and retention of records as discussed in Comment #4) or otherwise limit the increase to existing minor sources.

RESPONSE: As mentioned in the response to Comment #2, if the project was at an existing major source and would require a PSD permit, the exemption would not apply. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT #6: In the proposed rule changes for item (3)(A)2.E.(II)(c)IV., without a case-by-case demonstration or a NAAQS demonstration on a typical model installation, there is no assurance these installations can demonstrate compliance with the NAAQS for PM, PM_{10}, or particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers ($PM_{2.5}$), in particular at the proposed 100 tpy exemption threshold. Therefore, the exemption should, at a minimum, specify a suite of best management practices in the rule that a source must use to minimize dust during all periods of operation.

RESPONSE: The exemption rule already incorporates requirements on the storage facilities to minimize emissions during operations, such as, type of flooring, covering required, and loading requirements of existing buildings. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2008 (33 MoReg 1870). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments on the proposed rule from two (2) sources: The Boeing Company and the U.S. Environmental Protection Agency (EPA).

COMMENT #1: The Boeing Company spoke in support of the proposed amendment at public hearing. Boeing was a participant in the workgroup that reviewed the present process weight rule and developed the proposed amendment. Boeing appreciates the new exemptions and is not aware of any facility in the state that has violated this rule. Boeing welcomes the additional exemptions and feels that the exemptions will eliminate the need to perform engineering calculations to show that it is physically impossible for their units to exceed the limits contained in the rule.

RESPONSE: The department's Air Pollution Control Program appreciates Boeing's participation in the workgroup and their support. No wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT #2: The EPA requested that a demonstration be provided showing that the addition of the new exemption for coating operations to the rule will not adversely impact ambient air.

RESPONSE: The demonstration that this new exemption will not adversely impact ambient air will be provided to EPA when the rule is submitted to EPA to replace the current rule in the Missouri State Implementation Plan. No wording changes have been made to the proposed rulemaking as a result of these comments.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 30—Podiatry Program

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.201, RSMo Supp. 2008, the division amends a rule as follows:

13 CSR 70-30.010 Podiatric Services Program **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2331). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 70—Therapy Program

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2008, the division amends a rule as follows:

13 CSR 70-70.010 Therapy Program **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2235–2237). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 98—Psychiatric/Psychology/Counseling/Clinical Social Work Program

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, and 208.201, RSMo Supp. 2008, the division amends a rule as follows:

13 CSR 70-98.015 Psychiatric/Psychology/Counseling/Clinical Social Work Program Documentation **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2331). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 701.311, 701.317, and 701.337, RSMo Supp. 2008, the department withdraws a rule as follows:

19 CSR 30-70.650 Administrative Penalties **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2356–2358). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received one letter with eight (8) comments on the proposed rule.

COMMENT #1: Jerry Wessels with the City of St. Louis Building Division commented "There seems to be no time limits—in other words a fine could double from now until the end of time."
RESPONSE: The Department of Health and Senior Services is withdrawing this rulemaking.

COMMENT #2: Jerry Wessels with the City of St. Louis Building Division commented "There seems to be no monetary limits to the fines."
RESPONSE: The Department of Health and Senior Services is withdrawing this rulemaking.

COMMENT #3: Jerry Wessels with the City of St. Louis Building Division expressed "On post abatement clearance—we often do the interior clearance and move the people back in, the outside might not pass clearance at the time, but it would appear to be in violation by the new rules."
RESPONSE: The Department of Health and Senior Services is withdrawing this rulemaking.

COMMENT #4: Jerry Wessels with the City of St. Louis Building Division commented "Post abatement clearance refers to 'deteriorated paint.' I think it should be 'deteriorated lead paint'."
RESPONSE: The Department of Health and Senior Services is withdrawing this rulemaking.

COMMENT #5: Jerry Wessels with the City of St. Louis Building Division commented, "I feel that a violation for a licensed worker not being able to produce an id card is unwarranted. If the person is known to be licensed, and just forgot it, I do not see the need for any penalty."
RESPONSE: The Department of Health and Senior Services is withdrawing this rulemaking.

COMMENT #6: Jerry Wessels with the City of St. Louis Building Division commented, "I feel that a violation for failure to be on a job site likewise is not warranted."
RESPONSE: The Department of Health and Senior Services is withdrawing this rulemaking.

COMMENT #7: Jerry Wessels with the City of St. Louis Building Division commented, "Failure to clean from farther point to main entrance and from top to bottom would be a significant violation. If they get it clean, I am not sure why it would be."
RESPONSE: The Department of Health and Senior Services is withdrawing this rulemaking.

COMMENT #8: Jerry Wessels with the City of St. Louis Building Division commented, "I am concerned that as many violations are regarding lack of notification or re-notification, but do not require the state to acknowledge receipt of these notifications, that communication between state and licensee needs to improve."
RESPONSE: The Department of Health and Senior Services is withdrawing this rulemaking.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 85—Intermediate Care and Skilled Nursing Facility

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.074 and 198.079, RSMo Supp. 2008, the department amends a rule as follows:

19 CSR 30-85.022 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2009 (34 MoReg 17–28). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received eleven (11) comments on the proposed amendment.

COMMENT #1: Kevin Notz, with the Missouri Division of Fire Safety, commented that electrical appliances should be Underwriter's Laboratories or Factory Mutual approved in subsection (2)(H).
RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended subsection (2)(H).

COMMENT #2: Kevin Notz, with the Missouri Division of Fire Safety, commented that facilities should be required to activate their complete fire alarm systems at least once a month in subsection (10)(E).
RESPONSE AND EXPLANATION OF CHANGE: The department believes that facilities shall test the fire alarm system in accordance with NFPA 72, 1999 edition, table 7-3.2. The department has amended subsection (10)(E).

COMMENT #3: Kevin Notz, with the Missouri Division of Fire Safety, commented that the word "exits" should be replaced with the phrase "means of egress" throughout section (13).
RESPONSE: The department believes that the proposed changes relate to the use of technical terms. The department believes the use of common language will provide consistent interpretation and compliance. No changes were made as a result of this comment.

COMMENT #4: Kevin Notz, with the Missouri Division of Fire Safety, commented that in section (20) barrier partitions in existing licensed facilities shall be automatically self-closing upon activation of the fire alarm.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended section (20) to include the words "upon activation of the fire alarm system."

COMMENT #5: Kevin Notz, with the Missouri Division of Fire Safety, commented that the phrase "one (1)-hour fire rated walls" should be replaced with "one (1)-hour fire rated smoke barriers" and to add an exception to the fire or smoke barrier spacing requirements in section (29).
RESPONSE: The department believes the proposed language provides a consistent interpretation of the requirements for this section. No changes were made as a result of this comment.

COMMENT #6: Kevin Notz, with the Missouri Division of Fire Safety, commented that facilities should reassess residents who have been determined to be capable of smoking unsupervised at least semi-annually rather than annually as required in section (31).
RESPONSE: The department believes this would add a new requirement that has not been available for public review and/or comment. No changes were made as a result of this comment.

COMMENT #7: Kevin Notz, with the Missouri Division of Fire Safety, commented that the department should add language relating to carbon monoxide detection to the proposed amendment; including a requirement for one carbon monoxide detector in each building smoke section.
RESPONSE: The department believes this is a new requirement that has not been available for public review and/or comment. No changes were made as a result of this comment.

COMMENT #8: Kevin Notz, with the Missouri Division of Fire Safety, commented that the department should add boiler regulations to the proposed amendments requiring compliance with state's Boiler & Pressure Vessel laws and regulations per sections 650.200–650.295, RSMo, relating to mandated periodic safety inspections and issuance of state operating permit.
RESPONSE: The department believes that compliance with these standards currently exist in rule. No changes were made as a result of this comment.

COMMENT #9: Kevin Notz, with the Missouri Division of Fire Safety, commented that in section (35) the word "Fireplaces" in the last sentence should be replaced with the verbiage "Only solid fuel fired appliances."
RESPONSE: The department believes this is a new requirement that has not been available for public review and/or comment. No changes were made as a result of this comment.

COMMENT #10: Department staff commented that facilities should provide immediate notification to the department after the emergency is addressed in subsection (2)(F).
RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended subsection (2)(F).

COMMENT #11: Department staff commented that the fire safety training requirements in subsection (34)(A) need clarification.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended subsection (34)(A).

19 CSR 30-85.022 Fire Safety Standards for New and Existing Intermediate Care and Skilled Nursing Facilities

(2) General Requirements.

(F) All facilities shall notify the department immediately after the emergency is addressed if there is a fire in the facility or premises and shall submit a complete written fire report to the department within seven (7) days of the fire, regardless of the size of the fire or the loss involved. II/III

(H) All electrical appliances shall be Underwriters' Laboratories (UL)- or Factory Mutual (FM)-approved, shall be maintained in good repair, and no appliances or electrical equipment shall be used which emit fumes or which could in any other way present a hazard to the residents. I/II

(10) Complete Fire Alarm Systems.

(E) Facilities shall test by activating the complete fire alarm system at least once a month. II/II

(20) In all existing licensed facilities, all horizontal exit doors in fire walls and all doors in smoke barrier partitions may swing in either direction. These doors normally may be open, but shall be automatically self-closing upon activation of the fire alarm system. They shall be capable of being manually released to self-closing action. II/III

(34) Fire Safety Training Requirements.

(A) The facility shall ensure that fire safety training is provided to all employees:

1. During employee orientation;

2. At least every six (6) months; and

3. When training needs are identified as a result of fire drill evaluations. II/III

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 86—Residential Care Facilities and Assisted Living Facilities

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.073, 198.074, and 198.076, RSMo Supp. 2008, the department amends a rule as follows:

19 CSR 30-86.022 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2009 (34 MoReg 29–44). Those sections, with changes, are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received nineteen (19) comments on the proposed amendment.

COMMENT #1: Kerri Hock, with the Missouri Assisted Living Association, commented that it is not clear if repairs, remodeling, and renovation in paragraphs (1)(C) 2. and 3. include painting, carpeting, roofing, etc. and requested clarification.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended paragraphs (1)(C)2. and 3. to clarify that major renovation involves structural changes rather than painting and cosmetic changes.

COMMENT #2: Kerri Hock, with the Missouri Assisted Living Association, commented that the definition of "Fire-resistant construction" in subsection (1)(D) appears to be more stringent than the requirements for a skilled and/or intermediate care facility.
RESPONSE: The definition of fire-resistant construction remains unchanged except that it is now required to be in accordance with National Fire Protection Agency (NFPA) 101, 2000 edition. No changes were made as a result of this comment.

COMMENT #3: Kerri Hock, with the Missouri Assisted Living Association, commented that the phrase "Facilities that were complying prior to the effective date of this rule with prior editions of NFPA provisions referenced in this rule shall be permitted to continue to comply with the earlier editions as long as there is not imminent danger to the health, safety, or welfare of any resident or a substantial probability that death or serious physical harm would result as determined by the department" should be reinstated in section (2).
RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has inserted the phrase in subsection (2)(B).

COMMENT #4: Kerri Hock, with the Missouri Assisted Living Association, commented that the phrase "after emergency is resolved and all residents are safe" should be inserted, and the phrase "involving death or harm to a resident requiring medical attention by a physician or substantial damage to the facility" should be reinstated in subsection (2)(C).
RESPONSE AND EXPLANATION OF CHANGE: The department has amended subsection (2)(C) because it believes that facilities should provide immediate notification to the department after the emergency is addressed. This will allow facilities the time to deal with the emergency, contact the department to provide updates, and discuss their plan of action(s) as to how they will safeguard residents. The department believes we should be notified so we are aware of fires and can investigate if necessary.

COMMENT #5: Kerri Hock, with the Missouri Assisted Living Association, commented that the word "any" should be removed and the words "a reportable" should be inserted in subsection (2)(D). Facilities should only have to monitor the area or source of a fire if it cannot be removed from the premises. If the source of a fire can be removed from the premises for example with a trash can fire, microwave popcorn fires, or furniture, fixture, or equipment fires, the need to monitor would be eliminated.
RESPONSE: The department believes that any fire should be reported and its source monitored for a twenty-four (24)-hour period. No changes were made as a result of this comment.

COMMENT #6: Kerri Hock, with the Missouri Assisted Living Association, commented that the phrase "if the source of the fire cannot be removed from the premises, the facility shall monitor" should be inserted in subsection (2)(D).
RESPONSE: The department believes that when any fire is discovered the facility should monitor that area and the source. No changes were made as a result of this comment.

COMMENT #7: Kerri Hock, with the Missouri Assisted Living Association, commented that requiring fire extinguishers be within seventy-five feet (75') rather than one hundred feet (100') from any point on that floor was arbitrary and capricious. If the change is mandated by NFPA, the department should provide such reference in subsection (3)(A).
RESPONSE: The proposed change has been an NFPA 10 standard since 1975 and the department is revising the language to meet these standards. No changes were made as a result of this comment.

COMMENT #8: Kerri Hock, with the Missouri Assisted Living Association, commented that this fire safety training in subsection (6)(A) should be required annually rather than every six (6) months after employees' initial training.
RESPONSE AND EXPLANATION OF CHANGE: The department disagrees with the removal of the requirement for fire safety training every six (6) months. Facilities are required to provide one (1) and/or two (2) hours of job responsibility training during initial employee orientation. The department believes the addition of fire safety training at least every six (6) months will promote fire safety awareness and increase resident safety. In an effort to clarify the requirements the department has amended subsection (6)(A).

COMMENT #9: Kerri Hock, with the Missouri Assisted Living Association, commented that section 198.074, RSMo, mandates that section (9) contains a grandfather clause for complete fire alarm systems that were previously approved by the department. The amendment must state that facilities that maintain a complete fire alarm system that was previously approved by the department are exempt from NFPA standards. The elements of the amendment should be clarified specifically "interconnected smoke detectors throughout the facility," should be interpreted to mean "such detectors as were required when permitted should be interconnected, but nothing shall prevent the facility from voluntarily installing additional battery-operated detectors in other areas of the facility that are not interconnected".

RESPONSE AND EXPLANATION OF CHANGE: The department acknowledges that section 198.074.7(1) RSMo Supp. 2007 contains a conditional grandfathering clause for facilities with a complete fire alarm system and has amended section (9) to reflect this.

COMMENT #10: Kerri Hock, with the Missouri Assisted Living Association, commented that in paragraphs (9)(A)2. and 3. the requirement for installation of smoke detector(s) in closets/pantries greater than twenty-four (24) square feet is too restrictive and would increase the cost to become compliant.
RESPONSE: The exemption requirement is based on NFPA 13R standards. NFPA 13R provides other methods of compliance with this requirement in place of the installation of smoke detectors (louvered doors, heat detectors, etc.). The department believes that the current requirement cannot be reduced and the cost is reflected in the fire alarm section of the fiscal note. No changes were made as a result of this comment.

COMMENT #11: Kerri Hock, with the Missouri Assisted Living Association, commented that in subsection (9)(D) the phrase "test every complete fire alarm system" needs clarification. Kevin Notz, with the Missouri Division of Fire Safety, commented that facilities should be required to activate their complete fire alarm systems at least once a month in subsection (9)(D).
RESPONSE AND EXPLANATION OF CHANGE: The department believes that facilities shall test the fire alarm system in accordance with NFPA 72, 1999 edition, table 7-3.2. The department agrees and has amended subsection (9)(E).

COMMENT #12: Kerri Hock, with the Missouri Assisted Living Association, commented that the amendment must be consistent with the requirement of a "smoke partition" as used in section 198.074, RSMo, and not a "smoke barrier" and a "smoke partition" is a term of art. Ms. Hock also commented that a "smoke partition" is not required to go from outside wall-to-outside wall, from floor-to-floor or floor-to-roof deck; such a requirement is inconsistent with the statutory requirement and should be revised. Kevin Notz, with the Missouri Division of Fire Safety, commented that the phrase "(1)-hour fire rated walls" should be replaced with "(1)-hour fire rated smoke barriers" and to add an exception to the fire or smoke barrier spacing requirements in subsection (10)(I).
RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended section (10) and revised the private fiscal note to reflect the requirements of a smoke partition.

COMMENT #13: Kevin Notz, with the Missouri Division of Fire Safety, commented that the word "exits" should be replaced with the phrase "means of egress" throughout subsection (7)(A) and the phrase "exits to grade" should be replaced with "means of egress including exits at grade and a hard surface leading to a public way" and the phrase "so long as hard surface extends from the exit to a public way or an area at least thirty feet (30') from the facility" should be added in subsection (7)(C).
RESPONSE: The department believes that the proposed changes relate to the use of technical terms and this would add a new requirement that has not been available for public review and/or comment. The department believes the use of common language will provide consistent interpretation and compliance. No changes were made as a result of this comment.

COMMENT #14: Kevin Notz, with the Missouri Division of Fire Safety, commented that a required exit from a multi-story facility or an interior stairway leading through corridors or passageways shall not lead through a "kitchen" as well as a furnace or boiler room in paragraph (7)(A)1.
RESPONSE: The department believes the addition of a kitchen would be more stringent than what is currently required in rule and the new requirement has not been available for public review and/or comment. No changes were made as a result of this comment.

COMMENT #15: Kevin Notz, with the Missouri Division of Fire Safety, commented that facilities should reassess residents who have been determined to be capable of smoking unsupervised at least semi-annually rather than annually as required in section (15).
RESPONSE: The department believes this would add a new requirement that has not been available for public review and/or comment. No changes were made as a result of this comment.

COMMENT #16: Kevin Notz, with the Missouri Division of Fire Safety, commented that the department should add language relating to carbon monoxide detection to the proposed rule; including a requirement for one (1) carbon monoxide detector in each building smoke section.
RESPONSE: The department believes this is a new requirement that has not been available for public review and/or comment. No changes were made as a result of this comment.

COMMENT #17: Kevin Notz, with the Missouri Division of Fire Safety, commented that the department should add boiler regulations to the proposed amendment requiring compliance with the state's Boiler & Pressure Vessel laws and regulations per sections 650.200–650.295, RSMo, relating to mandated periodic safety inspections and issuance of state operating permit.
RESPONSE: The department believes that compliance with these standards currently exist in rule. No changes were made as a result of this comment.

COMMENT #18: Kevin Notz, with the Missouri Division of Fire Safety, commented that the department should add solid fuel-fired appliance regulations to the proposed amendment stating: Only solid fuel-fired appliances meeting standards set forth in NFPA 211, 2000 edition, are considered in compliance with this rule.
RESPONSE: The department believes this is a new requirement that has not been available for public review and/or comment. No changes were made as a result of this comment.

COMMENT #19: Department staff commented that a class rating should be placed in subsection (7)(A).
RESPONSE AND EXPLANATION OF CHANGE: The department has amended subsection (7)(A) to reflect that violations in this subsection will receive a class I or II rating.

19 CSR 30-86.022 Fire Safety Standards for Residential Care Facilities and Assisted Living Facilities

(1) Definitions. For the purpose of this rule, the following definitions shall apply:

(C) Major renovation—shall include the following:

1. Addition of any room(s), accessible by residents, that either exceeds fifty percent (50%) of the total square footage of the facility or exceeds four thousand five hundred (4,500) square feet; or

2. Repairs, remodeling, or renovations that involve structural changes to more than fifty percent (50%) of the building; or

3. Repairs, remodeling, or renovations that involve structural changes to more than four thousand five hundred (4,500) square feet of a smoke section; or

4. If the addition is separated by two (2)-hour fire-resistant construction, only the addition portion shall meet the requirements for NFPA 13, 1999 edition, sprinkler system, unless the facility is otherwise required to meet NFPA 13, 1999 edition.

(2) General Requirements.

(B) Facilities that were complying prior to the effective date of this rule with prior editions of the NFPA provisions referenced in this rule shall be permitted to continue to comply with the earlier editions, as long as there is not an imminent danger to the health, safety, or welfare of any resident or a substantial probability that death or serious physical harm would result as determined by the department.

(C) All facilities shall notify the department immediately after the emergency is addressed if there is a fire in the facility or premises and shall submit a complete written fire report to the department within seven (7) days of the fire, regardless of the size of the fire or the loss involved. II/III

(6) Fire Safety Training Requirements.

(A) The facility shall ensure that fire safety training is provided to all employees:

1. During employee orientation;

2. At least every six (6) months; and

3. When training needs are identified as a result of fire drill evaluations. II/III

(7) Exits, Stairways, and Fire Escapes.

(A) Each floor of a facility shall have at least two (2) unobstructed exits remote from each other. I/II

1. For a facility whose plans were approved on or before December 31, 1987, or a facility licensed for twenty (20) or fewer residents, one (1) of the required exits from a multi-story facility shall be an outside stairway or an enclosed stairway that is separated by one (1)-hour rated construction from each floor with an exit leading directly to the outside at grade level. Existing plaster or gypsum board of at least one-half inch (1/2") thickness may be considered equivalent to one (1)-hour rated construction. The other required exit may be an interior stairway leading through corridors or passageways to outside or to a two (2)-hour rated horizontal exit as defined by paragraph 3.3.61 of the 2000 edition NFPA 101. Neither of the required exits shall lead through a furnace or boiler room. Neither of the required exits shall be through a resident's bedroom, unless the bedroom door cannot be locked. I/II

2. For a facility whose plans were approved after December 31, 1987, for more than twenty (20) residents, the required exits shall be doors leading directly outside, one (1)-hour enclosed stairs or outside stairs or a two (2)-hour rated horizontal exit as defined by paragraph 3.3.61 of 2000 edition NFPA 101. The one (1)-hour enclosed stairs shall exit directly outside at grade. Access to these shall not be through a resident bedroom or a hazardous area. I/II

3. Only one (1) of the required exits may be a two (2)-hour rated horizontal exit. I/II

(9) Complete Fire Alarm Systems.

(A) Facilities that did not have a complete fire alarm system prior to August 28, 2007, shall have a complete fire alarm system installed in accordance with NFPA 101, Section 18.3.4, 2000 edition. The complete fire alarm shall automatically transmit to the fire department, dispatching agency, or central monitoring company. The complete fire alarm system shall include visual signals and audible alarms that can be heard throughout the building and a main panel that interconnects all alarm-activating devices and audible signals. At a minimum, the complete fire alarm system shall consist of a manual pull station at or near each attendant's station and each required exit in accordance with NFPA 72, 1999 edition and the following I/II:

1. For facilities with a sprinkler system in accordance with NFPA 13, 1999 edition, smoke detectors interconnected to the complete fire alarm system shall be installed in all corridors and spaces open to the corridor. Smoke detectors shall be no more than thirty feet (30') apart with no point on the ceiling more than twenty-one feet (21') from a smoke detector. I/II

2. For facilities with a sprinkler system in accordance with NFPA 13R, 1999 edition, smoke detectors interconnected to the complete fire alarm system shall be installed in corridors, spaces open to the corridor, and in accessible spaces, as required by NFPA 72, 1999 edition, not protected by the sprinkler system. Smoke detectors shall be no more than thirty feet (30') apart with no point on the ceiling more than twenty-one feet (21') from a smoke detector. Smoke detectors shall not be installed in areas where environmental influences may cause nuisance alarms. Such areas include, but are not limited to kitchens, laundries, bathrooms, mechanical air handling rooms, and attic spaces. In these areas, heat detectors interconnected to the complete fire alarm system shall be installed. Bathrooms not exceeding fifty-five (55) square feet and clothes closets, linen closets, and pantries not exceeding twenty-four (24) square feet are exempt from having any detection device if the wall and ceilings are surfaced with limited-combustible or noncombustible material as defined in NFPA 101, 2000 edition. Concealed spaces of noncombustible or limited combustible construction are not required to have detection devices. These spaces may have limited access but cannot be occupied or used for storage. I/II

3. For facilities without an approved sprinkler system, smoke detectors interconnected to the complete fire alarm system shall be installed in all accessible spaces, as required by NFPA 72, 1999 edition, within the facility. Smoke detectors shall be no more than thirty feet (30') apart with no point on the ceiling more than twenty-one feet (21') from a smoke detector. Smoke detectors shall not be installed in areas where environmental influences may cause nuisance alarms. Such areas include, but are not limited to kitchens, laundries, bathrooms, mechanical air handling rooms, and attic spaces. In these areas, heat detectors interconnected to the fire alarm system shall be installed. Bathrooms not exceeding fifty-five (55) square feet and clothes closets, linen closets, and pantries not exceeding twenty-four (24) square feet are exempt from having any detection device if the wall and ceilings are surfaced with limited-combustible or noncombustible material as defined in NFPA 101, 2000 edition. Concealed spaces of noncombustible or limited combustible construction are not required to have detection devices. These spaces may have limited access but cannot be occupied or used for storage. I/II

(B) Facilities that had a complete fire alarm system prior to August 28, 2007, shall have a complete fire alarm system, in accordance with the applicable edition of NFPA 72, that at a minimum contains the following components: interconnected smoke detectors throughout the facility, automatic transmission to the fire department, dispatching agency, or central monitoring company, manual pull stations at each required exit and attendant's station, heat detectors, and audible and visual alarm indicators. I/II

1. Smoke detectors interconnected to the complete fire alarm system shall be located no more than thirty feet (30') apart in the corridors or passageways with no point in the corridor or passageway more than fifteen feet (15') from a detector and no point in the building more than thirty feet (30') from a detector. In facilities licensed prior to November 13, 1980, smoke detectors located every fifty feet (50') will be acceptable. I/II

A. Facilities without an approved sprinkler system shall have one (1) or more individual home-type smoke detectors per resident-use room. The individual home-type smoke detectors shall be UL-approved battery-powered detectors which sense smoke and automatically sound an alarm which can be heard throughout the facility. I/II

B. Individual home-type detectors shall be tested monthly and batteries shall be changed as needed. Any fault with any detector shall be corrected immediately upon discovery. A record shall be kept of the dates of testing and the changing of batteries. II/III

2. Heat detectors, interconnected to the fire alarm system, shall be installed in areas where environmental influences may cause nuisance alarms, unless the area is protected by an approved sprinkler system. Such areas include, but are not limited to kitchens, laundries, bathrooms, mechanical air handling rooms, and attic spaces. Bathrooms not exceeding fifty-five (55) square feet are exempt from having a heat detector if the wall and ceilings are surfaced with limited-combustible or noncombustible material as defined in NFPA 101, 2000 edition. I/II

(C) All facilities shall test and maintain the complete fire alarm system in accordance with NFPA 72, 1999 edition. I/II

(D) All facilities shall have inspections and written certifications of the complete fire alarm system completed by an approved qualified service representative in accordance with NFPA 72, 1999 edition, at least annually. I/II

(E) Facilities shall test by activating the complete fire alarm system at least once a month. I/II

(F) Facilities shall maintain a record of the complete fire alarm tests, inspections, and certifications required by subsections (9)(C) and (D) of this rule. III

(G) Upon discovery of a fault with the complete fire alarm system, the facility shall promptly correct the fault. I/II

(H) When a complete fire alarm system is to be out of service for more than four (4) hours in a twenty-four (24)-hour period, the facility shall immediately notify the department and the local fire authority and implement an approved fire watch in accordance with NFPA 101, 2000 edition, until the complete fire alarm system has returned to full service. I/II

(I) The complete fire alarm system shall be activated by all of the following: sprinkler system flow alarm, smoke detectors, heat detectors, manual pull stations, and activation of the rangehood extinguishment system. II/III

(10) Protection from Hazards.

(H) All facilities shall be divided into at least two (2) smoke sections with each section not exceeding one hundred fifty feet (150') in length or width. If the floor's dimensions do not exceed seventy-five feet (75') in length or width, a division of the floor into two (2) smoke sections will not be required. II

(I) In facilities whose plans were approved or which were initially licensed after December 31, 1987, for more than twenty (20) residents and all facilities licensed after August 28, 2007, each smoke section shall be separated by one (1)-hour fire rated smoke partitions. The smoke partitions shall be continuous from outside wall-to-outside wall and from floor-to-floor or floor-to-roof deck. All doors in this wall shall be at least twenty (20)-minute fire-rated or its equivalent, self-closing, and may be held open only if the door closes automatically upon activation of the complete fire alarm system. II

(J) In all facilities that were initially licensed on or prior to December 31, 1987, and all facilities licensed for twenty (20) or fewer beds prior to August 28, 2007, each smoke section shall be separated by a one (1)-hour fire-rated smoke partition that extends from the inside portion of an exterior wall to the inside portion of an exterior wall and from the floor to the underside of the floor or roof deck above, through any concealed spaces, such as those above suspended ceilings, and through interstitial structural and mechanical spaces. Smoke partitions shall be permitted to terminate at the underside of a monolithic or suspending ceiling system where the following conditions are met: The ceiling system forms a continuous membrane, a smoketight joint is provided between the top of the smoke partition and the bottom of the suspended ceiling and the space above the ceiling is not used as a plenum. Smoke partition doors shall be at least twenty (20)-minute fire-rated or its equivalent, self-closing, and may be held open only if the door closes automatically upon activation of the complete fire alarm system. II

(K) Facilities whose plans were approved or which were initially licensed after December 31, 1987, for more than twenty (20) residents and which are unsprinklered shall have one (1)-hour rated corridor walls with one and three-quarters inch (1 3/4") solid core wood doors or metal doors with an equivalent fire rating. II

(L) If two (2) or more levels of long-term care or two (2) different businesses are located in the same building, the entire building shall meet either the most strict construction and fire safety standards for the combined facility or the facilities shall be separated from the other(s) by two (2)-hour fire-resistant construction. In buildings equipped with a complete sprinkler system in accordance with NFPA 13 or NFPA 13R, 1999 edition, this separation may be rated at one (1) hour. II

REVISED PRIVATE COST: This proposed amendment will cost private entities $9,135,528 in the aggregate.

REVISED FISCAL NOTE
PRIVATE COST

I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Chapter 86

Rule Number and Title:	86.022 Fire Safety Standards for Residential Care Facilities and Assisted Living Facilities
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Fire Alarm Systems - 172 Residential Care Facilities (former RCF I) licensed for 20 or fewer beds	**Residential Care Facilities**	**$905,580**
Fire Alarm Systems - 68 Residential Care Facilities (former RCF I) licensed for more than 20 beds and 204 Residential Care Facilities formerly licensed as a RCF II	**Residential Care Facilities**	**$1,050,192**
Fire Alarm Systems - 152 Assisted Living Facilities	**Assisted Living Facilities**	**$618,336**
NFPA 13R Sprinkler Systems – 120 Residential Care Facilities and Assisted Living Facilities licensed for more than 20 beds	**Residential Care Facilities and Assisted Living Facilities**	**$5,685,120**
Smoke Separation – 101 Residential Care Facilities and Assisted Living Facilities	**Residential Care Facilities and Assisted Living Facilities**	**$757,500**
K-Rated Fire Extinguishers – 594 Residential Care Facilities and Assisted Living Facilities	**Residential Care Facilities and Assisted Living Facilities**	**$118,800**

III. WORKSHEET

Fire Alarm Systems
This proposed amendment requires all residential care and assisted living facilities to have a complete fire alarm system installed by December 31, 2008.

Existing regulations for residential care facilities (former RCF I) licensed for 20 or fewer beds allow for home-type smoke detectors. These facilities must install all components of a complete fire alarm system. There are currently 172 residential care facilities licensed for 20 or fewer beds.

Existing regulations for residential care facilities (former RCF I) licensed for more than 20 beds and all residential care facilities formerly licensed as RCF IIs require some type of fire alarm system, but that system may not meet the new statutory definition of a complete fire alarm system. These facilities will be able to add to their existing fire alarms systems in order to meet the new statutory definition of a complete fire alarm system. There are currently 68 residential care facilities (former RCF I) licensed for more than 20 beds and 204 residential care facilities formerly licensed as RCF IIs.

Existing regulations for assisted living facilities require some type of fire alarm system, but that system may not meet the new statutory definition of a complete fire alarm system. These facilities will be able to add to their existing fire alarms systems in order to meet the new statutory definition of a complete fire alarm system. There are currently 152 assisted living facilities.

Sprinkler Systems
The proposed amendment requires all residential care facilities and assisted living facilities with more than 20 residents, unless the assisted living facility was previously required to have an NFPA 13 sprinkler system, to install a NFPA 13R sprinkler system. There are approximately 120 residential care facilities and assisted living facilities licensed for more than 20 beds that currently do not have a NFPA 13R sprinkler system. These facilities must install a NFPA 13R sprinkler system by December 31, 2012.

Smoke Separation
This proposed amendment requires all residential care and assisted living facilities whose dimensions (width or length) exceed 75 feet to divide each resident-accessed floor into at least two smoke sections. There are currently 101 residential care and assisted living facilities that fall into this category, based on plans for compliance submitted by facilities.

K-Rated Fire Extinguishers
This proposed amendment requires all residential care facilities and assisted living facilities to have a K-Type fire extinguisher in the kitchen cooking area of the facility. There are currently 594 residential care facilities and assisted living facilities that fall into this category.

IV. ASSUMPTIONS

Fire Alarm Systems
The fiscal note for residential care facilities (former RCF I) licensed for 20 or fewer beds is based on the cost to install a complete fire alarm system. The following formula was used to determine cost: (total number of facility beds divided by the number of facilities

= average size of facility) x (number of square feet per bed) x (total number of facilities) x (estimated cost per square foot to install a complete fire alarm system). These costs were derived from recent architectural plan review estimates submitted by long term care facilities. These costs are also based on the installer not encountering difficulties or obstacles while installing the complete fire alarm system. DHSS estimates the total cost in the aggregate for these facilities to be $905,580: (2232 total beds/172 facilities = 13 average beds) x (180 square feet per resident) x (172 facilities) x ($2.25 cost per square foot).

The fiscal note for residential care facilities licensed (former RCF I) for more than 20 beds and all residential care facilities formerly licensed as RCF IIs is based on the cost to add components to the existing fire alarm system in order for the fire alarm system to comply with the new statutory definition of a complete fire alarm system. The following formula was used to determine cost: (total number of facility beds divided by the number of facilities = average size of facility) x (number of square feet per bed) x (total number of facilities) x (estimated cost per square foot to add components to the existing fire alarm system). These costs were derived from recent architectural plan review estimates submitted by long term care facilities. These costs are also based on the installer not encountering difficulties or obstacles while adding components to the existing fire alarm system. DHSS estimates the total cost in the aggregate for these facilities to be $1,050,192: (11,679 total beds/272 facilities = 42.9 average beds) x (180 square feet per bed) x (272 facilities) x ($.50 cost per square foot).

The fiscal note for assisted living facilities is based on the cost to add components to the existing fire alarm system in order for the fire alarm system to comply with the new statutory definition of a complete fire alarm system. The following formula was used to determine cost: (total number of facility beds divided by the number of facilities = average size of facility) x (number of square feet per bed) x (total number of facilities) x (estimated cost per square foot to add components to the existing fire alarm system). These costs were derived from recent architectural plan review estimates submitted by long term care facilities. These costs are also based on the installer not encountering difficulties or obstacles while adding components to the existing fire alarm system. DHSS estimates the total cost in the aggregate for these facilities to be $618,336: (6,871 total beds/152 facilities = 45.2 average beds) x (180 square feet per bed) x (152 facilities) x ($.50 cost per square foot).

DHSS estimates that total cost of installing a complete fire alarm system and/or adding components to an existing fire alarm system in the aggregate to be $2,574,108: ($905,580 + $1,050,192 + $618,336).

The minimum requirements for a complete fire alarm system are described in statute (Section 198.074.7.1, RSMo Supp. 2007). In an effort to assist residential care and assisted living facilities with consistent guidance for installation of a complete fire alarm system so these facilities can meet statutory requirements, the proposed amendment provides specific installation guidance (for spacing and placement) in accordance with the NFPA standards referenced in the statute.

DHSS contends that the total cost is imposed by statute, (section 198.074 RSMo Supp. 2007) because the statute, in addition to referencing the components of a complete fire

alarm system, also requires the complete fire alarm system to be in compliance with NFPA 101 and NFPA 72. These NFPA standards outline the same placement and spacing requirements as contained in this proposed amendment.

Sprinkler Systems
The fiscal note for residential care facilities and assisted living facilities licensed for more than 20 beds is based on the cost to install a NFPA 13R sprinkler system. The number of beds was used to determine the requirement for a NFPA 13R sprinkler system, i.e., more than twenty beds. The statute requires residential care facilities and assisted living facilities with more than twenty residents to install a NFPA 13R sprinkler system. Because the number of residents in continually changing, this fiscal note is based on those facilities licensed for more than 20 beds. The following formula was used to determine cost: (total number of facility beds divided by the number of facilities = average size of facility) x (number of square feet per bed) x (total number of facilities) x (estimated cost per square foot to install a NFPA 13R sprinkler system). These costs were derived from sprinkler system installation companies. These costs are also based on the installer not encountering difficulties or obstacles while installing the sprinkler system. DHSS estimates the total cost in the aggregate for these facilities to be $5,685,120: (9024 total beds/120 facilities = 75.2 average beds) x (180 square feet per resident) x (120 facilities) x ($3.50 cost per square foot).

DHSS contends that the total cost is imposed by statute, because the statute requires these facilities to install a NFPA 13R sprinkler system.

Smoke Separation
The installation of a smoke partition is a new requirement and the department has based the fiscal note estimates on seventy-five percent (75%) of the cost the install a smoke barrier. The following formula was used to determine the cost: (total number of facilities that will be required to install a smoke partition) x (average estimated cost to install the smoke barrier) x (75%). These costs were derived from recent architectural plan review estimates submitted by long term care facilities. The cost is an average of the estimates submitted by facilities, because the degree of work required varies widely among the facilities. For example, some facilities may have to install doors only while others may have to install doors and walls in attics and on the resident use floor. These costs are also based on the installer not encountering difficulties or obstacles while installing the smoke partition. DHSS estimates the total cost in the aggregate for these facilities to be $757,500: (101 facilities) x ($7,500 average cost per smoke partition).

DHSS contends that the total cost is imposed by statute, (Section 198.074, RSMo) because statute requires all residential care and assisted living facilities whose dimensions (width or length) exceed 75 feet to divide each resident-accessed floor into at least two smoke sections.

K-Rated Fire Extinguisher
This fiscal note for these facilities is based on the cost of a K-Rated fire extinguisher. The following formula was used to determine the cost: (total number of facilities that will be required to install a K-Rated fire extinguisher) x (the cost of a K-Rated fire extinguisher). The cost of a K-Rated fire extinguisher was derived from a local fire safety company. DHSS estimates the total cost in the aggregate for these facilities to be $118,800 (594 facilities) x ($200 for a K-Rated fire extinguisher).

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.507, RSMo Supp. 2008, and sections 337.515 and 337.520.1(1), RSMo 2000, the board rescinds a rule as follows:

20 CSR 2095-1.060 License Renewal and Changes to License **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2009 (34 MoReg 45). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.507, RSMo Supp. 2008, the board adopts a rule as follows:

20 CSR 2095-1.060 Changes to License **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2009 (34 MoReg 45–47). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.507, RSMo Supp. 2008, and sections 337.515 and 337.520.1(1), RSMo 2000, the board adopts a rule as follows:

20 CSR 2095-1.062 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2009 (34 MoReg 48–51). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: During review, a staff member discovered an intercitational error in proposed rule 20 CSR 2095-1.062. A nonexistent subsection was cited within the committee rules.
RESPONSE AND EXPLANATION OF CHANGE: The citation has been changed to reflect the proper location within the committee rules.

20 CSR 2095-1.062 License Renewal and Reinstatement of Lapsed License

(4) Any licensed professional counselor failing to renew a license on or before the license expiration date may apply to the committee for reinstatement of the license within two (2) years subsequent to the date the license expired. To apply, the licensee shall—

(B) Provide proof of completing the required continuing education requirements as defined in 20 CSR 2095-1.064; and

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under sections 337.507 and 337.510, RSMo Supp. 2008, and sections 337.515 and 337.520.1(1), RSMo 2000, the board adopts a rule as follows:

20 CSR 2095-1.064 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2009 (34 MoReg 52–54). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: During review, a staff member discovered some intercitational errors in proposed rule 20 CSR 2095-1.064. Nonexistent subsections were cited within the committee rules.
RESPONSE AND EXPLANATION OF CHANGE: The citations have been changed to reflect the proper location within the committee rules.

20 CSR 2095-1.064 Continuing Education Requirements

(5) Formal continuing education is defined as follows:

(G) Licensees who are faculty members at an approved educational institution as defined in 20 CSR 2095-2.010(4)(A) may receive up to a maximum of twenty (20) hours per year of continuing education credit for teaching at the educational institution. The areas of study shall be in compliance with 20 CSR 2095-2.010(4)(A)–(J). For the purpose of this regulation, the licensee must teach for a minimum of four (4) clock hours as defined in 20 CSR 2095-1.064(2); and

(H) A licensee who teaches formal continuing education hours may receive up to a maximum of four (4) hours per biennial cycle of continuing education credit for teaching courses relating to core areas as defined in 20 CSR 2095-2.010(4)(A)–(J). For the purpose of this regulation the licensee must teach for a minimum of four (4) clock hours as defined in 20 CSR 2095-1.064(2).

(6) A licensee may obtain no more than twenty (20) hours of self study continuing education.

(B) Preparation credit may not be claimed pursuant to this regulation for presentations that are credited under 20 CSR 2095-1.064(5)(B) and (F).

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.618, RSMo Supp. 2008, the board adopts a rule as follows:

20 CSR 2095-1.068 Continuing Education Records **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2009 (34 MoReg 55–58). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.618, RSMo Supp. 2008, the board adopts a rule as follows:

20 CSR 2095-1.070 Continuing Education Exemption **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2009 (34 MoReg 59–62). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.507, RSMo Supp. 2008, and sections 337.515 and 337.520(1), RSMo 2000, the board adopts a rule as follows:

20 CSR 2095-2.005 Provisional License **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2009 (34 MoReg 63). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.510, RSMo Supp. 2008, and section 337.520, RSMo 2000, the board rescinds a rule as follows:

20 CSR 2095-2.010 Educational Requirements **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2009 (34 MoReg 63). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.510, RSMo Supp. 2008, and section 337.520, RSMo 2000, the board adopts a rule as follows:

20 CSR 2095-2.010 Educational Requirements **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2009 (34 MoReg 63–66). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.510, RSMo Supp. 2008, and section 337.520, RSMo 2000, the board amends a rule as follows:

20 CSR 2095-2.020 Supervised Counseling Experience **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2009 (34 MoReg 67–68). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.510, RSMo Supp. 2008, and section 337.520, RSMo 2000, the board amends a rule as follows:

20 CSR 2095-2.021 Supervisors and Supervisory Responsibilities **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2009 (34 MoReg 68). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.507, RSMo Supp. 2008, and section 337.520, RSMo 2000, the board amends a rule as follows:

20 CSR 2095-2.030 Examinations **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2009 (34 MoReg 68–69). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under section 337.507, RSMo Supp. 2008, and section 337.520, RSMo 2000, the board amends a rule as follows:

20 CSR 2095-2.065 Application for Licensure **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2009 (34 MoReg 69–70). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 3—Professional Responsibility

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors under sections 337.520 and 337.525, RSMo 2000, the board amends a rule as follows:

20 CSR 2095-3.010 Scope of Coverage **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2009 (34 MoReg 71). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2207—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under section 340.210, RSMo 2000, and section 340.234, RSMo Supp. 2008, the board amends a rule as follows:

20 CSR 2270-2.031 Examinations **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2009 (34 MoReg 71). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210 and 340.232, RSMo 2000, the board amends the rule as follows:

20 CSR 2270-2.041 Reexamination **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2009 (34 MoReg 71–72). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 25—Motor Carrier Operations

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below on or before May 15, 2009.

ADDRESSES: You may submit comments concerning an applicant, identified by the application number stated below, by any of the following methods:
- *Email: Kathy.Hatfield@modot.mo.gov*
- *Mail: PO Box 893, Jefferson City, MO 65102-0893*
- *Hand Delivery: 1320 Creek Trail Drive, Jefferson City, MO 65109*
- *Instructions:* All comments submitted must include the agency name and application number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection, and MoDOT may publish those comments by any available means.

COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation
If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background
The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2008, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP090224006

Applicant's Name & Age: Rodney G. Gasper, 36
Relevant Physical Condition: Mr. Gasper's best uncorrected visual acuity is 20/20 Snellen in his right eye and light perception only in his left eye. Mr. Gasper's vision impairment is the result of an accident in 1992.

Relevant Driving Experience: Employed in St. Joseph, Missouri, as a laborer and has minimal experience driving commercial motor vehicles. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in December 2008, his optometrist certified, "In my medical opinion, Mr. Gasper's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Request for Comments
The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: March 16, 2009

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

NOTIFICATION OF REVIEW: APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for June 1, 2009. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

03/16/09

#4347 HS: Bates County Memorial Hospital
Butler (Bates County)
$1,693,219, Replace magnetic resonance imager

03/20/09

#4349 RS: O'Fallon Alzheimer's Special Care Center
O'Fallon (St. Charles County)
$8,078,682, Establish 66-bed assisted living facility

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by April 22, 2009. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
Copper Craft Plumbing, Inc.

On March 6, 2009, COPPER CRAFT PLUMBING, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on March 6, 2009.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

Copper Craft Plumbing, Inc.
C/o VanOsdol & Magruder, P.C.
911 Main St., Ste. 2400
Kansas City, MO 64105

All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, and the date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or the basis for the claim.

NOTICE: Because of the dissolution of COPPER CRAFT PLUMBING, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
	DEPARTMENT OF AGRICULTURE				
2 CSR 70-11.050	Plant Industries	33 MoReg 1795	34 MoReg 183		
2 CSR 90-10	Weights and Measures				33 MoReg 1193
2 CSR 90-10.011	Weights and Measures	33 MoReg 2081	33 MoReg 2089	34 MoReg 310	
2 CSR 90-10.012	Weights and Measures	33 MoReg 2082	33 MoReg 2090	34 MoReg 310	
2 CSR 100-2.020	Missouri Agricultural and Small Business Development Authority		34 MoReg 592		
2 CSR 100-2.030	Missouri Agricultural and Small Business Development Authority		34 MoReg 592		
2 CSR 100-2.040	Missouri Agricultural and Small Business Development Authority		34 MoReg 593		
2 CSR 100-10.010	Missouri Agricultural and Small Business Development Authority		34 MoReg 595		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-5.205	Conservation Commission		33 MoReg 2095		
3 CSR 10-5.215	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.220	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.222	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.225	Conservation Commission		33 MoReg 2098		
3 CSR 10-5.300	Conservation Commission		33 MoReg 2100	34 MoReg 544	
3 CSR 10-5.310	Conservation Commission		33 MoReg 2100		
3 CSR 10-5.315	Conservation Commission		33 MoReg 2100	34 MoReg 544W	
3 CSR 10-5.320	Conservation Commission		33 MoReg 2101		
3 CSR 10-5.321	Conservation Commission		33 MoReg 2101	34 MoReg 544W	
3 CSR 10-5.322	Conservation Commission		33 MoReg 2101	34 MoReg 544W	
3 CSR 10-5.323	Conservation Commission		33 MoReg 2101	34 MoReg 545W	
3 CSR 10-5.330	Conservation Commission		33 MoReg 2102	34 MoReg 545W	
3 CSR 10-5.340	Conservation Commission		33 MoReg 2104	34 MoReg 545W	
3 CSR 10-5.345	Conservation Commission		33 MoReg 2106	34 MoReg 545W	
3 CSR 10-5.351	Conservation Commission		33 MoReg 2108	34 MoReg 546W	
3 CSR 10-5.352	Conservation Commission		33 MoReg 2110	34 MoReg 546W	
3 CSR 10-5.359	Conservation Commission		33 MoReg 2112	34 MoReg 546W	
3 CSR 10-5.360	Conservation Commission		33 MoReg 2114	34 MoReg 546W	
3 CSR 10-5.365	Conservation Commission		33 MoReg 2116	34 MoReg 546W	
3 CSR 10-5.370	Conservation Commission		33 MoReg 2118	34 MoReg 547W	
3 CSR 10-5.375	Conservation Commission		33 MoReg 2120	34 MoReg 547W	
3 CSR 10-5.420	Conservation Commission		33 MoReg 2122R		
3 CSR 10-5.425	Conservation Commission		33 MoReg 2122	34 MoReg 547W	
3 CSR 10-5.430	Conservation Commission		33 MoReg 2124		
3 CSR 10-5.435	Conservation Commission		33 MoReg 2126	34 MoReg 547W	
3 CSR 10-5.436	Conservation Commission		33 MoReg 2128		
3 CSR 10-5.440	Conservation Commission		33 MoReg 2130	34 MoReg 547W	
3 CSR 10-5.445	Conservation Commission		33 MoReg 2132	34 MoReg 548W	
3 CSR 10-5.540	Conservation Commission		33 MoReg 2134		
3 CSR 10-5.545	Conservation Commission		33 MoReg 2136		
3 CSR 10-5.551	Conservation Commission		33 MoReg 2138		
3 CSR 10-5.552	Conservation Commission		33 MoReg 2140		
3 CSR 10-5.554	Conservation Commission		33 MoReg 2142		
3 CSR 10-5.559	Conservation Commission		33 MoReg 2144		
3 CSR 10-5.560	Conservation Commission		33 MoReg 2146		
3 CSR 10-5.565	Conservation Commission		33 MoReg 2148		
3 CSR 10-5.567	Conservation Commission		33 MoReg 2150		
3 CSR 10-5.570	Conservation Commission		33 MoReg 2152		
3 CSR 10-5.576	Conservation Commission		33 MoReg 2154R		
3 CSR 10-5.579	Conservation Commission		33 MoReg 2156R		
3 CSR 10-5.580	Conservation Commission		33 MoReg 2158R		
3 CSR 10-6.410	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.415	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.530	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.533	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.540	Conservation Commission		33 MoReg 2161	34 MoReg 549	

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3 CSR 10-6.550	Conservation Commission		33 MoReg 2161	34 MoReg 549	
3 CSR 10-6.615	Conservation Commission		33 MoReg 2162	34 MoReg 549	
3 CSR 10-6.620	Conservation Commission		33 MoReg 2162	34 MoReg 549	
3 CSR 10-7.405	Conservation Commission		33 MoReg 2162	34 MoReg 549	
3 CSR 10-7.410	Conservation Commission		33 MoReg 2162	34 MoReg 550	
3 CSR 10-7.431	Conservation Commission		33 MoReg 2163	34 MoReg 550	
3 CSR 10-7.433	Conservation Commission		33 MoReg 2163	34 MoReg 550	
3 CSR 10-7.434	Conservation Commission		33 MoReg 2164	34 MoReg 551	
3 CSR 10-7.437	Conservation Commission		33 MoReg 2165	34 MoReg 551	
3 CSR 10-7.455	Conservation Commission		33 MoReg 2165		34 MoReg 241
3 CSR 10-8.515	Conservation Commission		33 MoReg 2166	34 MoReg 551	
3 CSR 10-9.110	Conservation Commission		33 MoReg 2166	34 MoReg 552	
3 CSR 10-9.353	Conservation Commission		33 MoReg 2168	34 MoReg 552	
3 CSR 10-9.359	Conservation Commission		33 MoReg 2168	34 MoReg 552	
3 CSR 10-9.415	Conservation Commission		33 MoReg 2168	34 MoReg 552	
3 CSR 10-9.425	Conservation Commission		33 MoReg 2169	34 MoReg 552	
3 CSR 10-9.565	Conservation Commission		33 MoReg 2169	34 MoReg 552	
3 CSR 10-9.566	Conservation Commission		33 MoReg 2170	34 MoReg 553	
3 CSR 10-9.575	Conservation Commission		33 MoReg 2170	34 MoReg 553	
3 CSR 10-9.628	Conservation Commission		33 MoReg 2171	34 MoReg 553	
3 CSR 10-10.711	Conservation Commission		33 MoReg 2171	34 MoReg 553W	
3 CSR 10-10.715	Conservation Commission		33 MoReg 2173	34 MoReg 553	
3 CSR 10-10.716	Conservation Commission		33 MoReg 2173	34 MoReg 553	
3 CSR 10-10.722	Conservation Commission		33 MoReg 2173		
3 CSR 10-10.724	Conservation Commission		33 MoReg 2174		
3 CSR 10-10.725	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.726	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.727	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.728	Conservation Commission		33 MoReg 2177		
3 CSR 10-10.735	Conservation Commission		33 MoReg 2179	34 MoReg 554	
3 CSR 10-10.767	Conservation Commission		33 MoReg 2179	34 MoReg 554	
3 CSR 10-10.784	Conservation Commission		33 MoReg 2179	34 MoReg 554	
3 CSR 10-10.787	Conservation Commission		33 MoReg 2180	34 MoReg 554	
3 CSR 10-11.110	Conservation Commission		33 MoReg 2180	34 MoReg 554	
3 CSR 10-11.115	Conservation Commission		33 MoReg 2180	34 MoReg 554	
3 CSR 10-11.140	Conservation Commission		33 MoReg 2181	34 MoReg 555	
3 CSR 10-11.150	Conservation Commission		33 MoReg 2181	34 MoReg 555	
3 CSR 10-11.160	Conservation Commission		33 MoReg 2182	34 MoReg 555	
3 CSR 10-11.165	Conservation Commission		33 MoReg 2182	34 MoReg 555	
3 CSR 10-11.180	Conservation Commission		33 MoReg 2182	34 MoReg 555	
3 CSR 10-11.184	Conservation Commission		33 MoReg 2185	34 MoReg 555	
3 CSR 10-11.205	Conservation Commission		33 MoReg 2185	34 MoReg 556	
3 CSR 10-11.210	Conservation Commission		33 MoReg 2186	34 MoReg 556	
3 CSR 10-11.215	Conservation Commission		33 MoReg 2186	34 MoReg 556	
3 CSR 10-12.110	Conservation Commission		33 MoReg 2187	34 MoReg 556	
3 CSR 10-12.115	Conservation Commission		33 MoReg 2187	34 MoReg 556	
3 CSR 10-12.125	Conservation Commission		33 MoReg 2188	34 MoReg 557	
3 CSR 10-12.135	Conservation Commission		33 MoReg 2189	34 MoReg 557	
3 CSR 10-12.140	Conservation Commission		33 MoReg 2189	34 MoReg 557	
3 CSR 10-12.145	Conservation Commission		33 MoReg 2190	34 MoReg 557	
3 CSR 10-20.805	Conservation Commission		33 MoReg 2191		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 240-3.162	Public Service Commission		34 MoReg 187 34 MoReg 595		34 MoReg 240RAN
4 CSR 240-20.065	Public Service Commission		34 MoReg 659		
4 CSR 240-20.091	Public Service Commission		34 MoReg 196 34 MoReg 605		34 MoReg 240RAN
4 CSR 240-33.170	Public Service Commission		33 MoReg 1942	34 MoReg 611	
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 30-261.025	Division of Administrative and Financial Services		33 MoReg 1946	34 MoReg 727	
5 CSR 30-640.100	Division of Administrative and Financial Services		34 MoReg 113		
5 CSR 80-800.200	Teacher Quality and Urban Education		34 MoReg 368		
5 CSR 80-800.220	Teacher Quality and Urban Education		34 MoReg 368		
5 CSR 80-800.230	Teacher Quality and Urban Education		34 MoReg 369		
5 CSR 80-800.260	Teacher Quality and Urban Education		34 MoReg 369		
5 CSR 80-800.270	Teacher Quality and Urban Education		34 MoReg 370		
5 CSR 80-800.280	Teacher Quality and Urban Education		34 MoReg 370		
5 CSR 80-800.350	Teacher Quality and Urban Education		34 MoReg 370		
5 CSR 80-800.360	Teacher Quality and Urban Education		34 MoReg 372		
5 CSR 80-800.380	Teacher Quality and Urban Education		34 MoReg 372		
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 10-2.010	Commissioner of Higher Education		34 MoReg 115R		
6 CSR 10-2.020	Commissioner of Higher Education		34 MoReg 115R		
6 CSR 10-2.080	Commissioner of Higher Education		34 MoReg 115		
6 CSR 10-2.100	Commissioner of Higher Education		34 MoReg 660		

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6 CSR 10-2.120	Commissioner of Higher Education		34 MoReg 662		
6 CSR 10-2.130	Commissioner of Higher Education		34 MoReg 665		
6 CSR 10-2.140	Commissioner of Higher Education		34 MoReg 119		
6 CSR 10-2.150	Commissioner of Higher Education		34 MoReg 121		
6 CSR 10-2.160	Commissioner of Higher Education		34 MoReg 122		
6 CSR 10-2.170	Commissioner of Higher Education		34 MoReg 124		
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-23.010	Missouri Highways and Transportation Commission		33 MoReg 2426		
7 CSR 10-23.020	Missouri Highways and Transportation Commission		33 MoReg 2427		
7 CSR 10-23.030	Missouri Highways and Transportation Commission		33 MoReg 2428		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				This Issue
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 10-5.010	Division of Employment Security		33 MoReg 1865	34 MoReg 613W	
8 CSR 10-5.015	Division of Employment Security		33 MoReg 1866	34 MoReg 614W	
8 CSR 10-5.030	Division of Employment Security		33 MoReg 1868	34 MoReg 616W	
8 CSR 10-5.040	Division of Employment Security		33 MoReg 1869	34 MoReg 617W	
8 CSR 10-5.050	Division of Employment Security		33 MoReg 1869	34 MoReg 618W	
8 CSR 60-1.010	Missouri Commission on Human Rights		This Issue		
8 CSR 60-2.065	Missouri Commission on Human Rights		This Issue		
8 CSR 60-2.130	Missouri Commission on Human Rights		This Issue		
8 CSR 60-2.150	Missouri Commission on Human Rights		This Issue		
8 CSR 60-2.200	Missouri Commission on Human Rights		This Issue		
8 CSR 60-2.210	Missouri Commission on Human Rights		This Issue		
8 CSR 60-4.015	Missouri Commission on Human Rights		This Issue		
8 CSR 60-4.020	Missouri Commission on Human Rights		This Issue		
8 CSR 60-4.030	Missouri Commission on Human Rights		This Issue		
	DEPARTMENT OF MENTAL HEALTH				
9 CSR 10-5.200	Director, Department of Mental Health		34 MoReg 12	This Issue	
9 CSR 10-5.230	Director, Department of Mental Health		34 MoReg 14	This Issue	
9 CSR 30-4.0431	Certification Standards		33 MoReg 1804	34 MoReg 557	
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-5.290	Air Conservation Commission		33 MoReg 1805R	This IssueR	
10 CSR 10-5.381	Air Conservation Commission		33 MoReg 1946	This Issue	
10 CSR 10-5.570	Air Conservation Commission		34 MoReg 199		
10 CSR 10-6.045	Air Conservation Commission		34 MoReg 205		
10 CSR 10-6.060	Air Conservation Commission		33 MoReg 2192		
10 CSR 10-6.061	Air Conservation Commission		33 MoReg 1960	This Issue	
10 CSR 10-6.100	Air Conservation Commission		33 MoReg 2204		
10 CSR 10-6.120	Air Conservation Commission		34 MoReg 206		
10 CSR 10-6.260	Air Conservation Commission		34 MoReg 208		
10 CSR 10-6.320	Air Conservation Commission		34 MoReg 212R		
10 CSR 10-6.350	Air Conservation Commission		33 MoReg 2315		
10 CSR 10-6.360	Air Conservation Commission		33 MoReg 2316		
10 CSR 10-6.400	Air Conservation Commission		33 MoReg 1870	This Issue	
10 CSR 10-6.410	Air Conservation Commission		33 MoReg 2206		
10 CSR 20-4.061	Clean Water Commission		This Issue		
10 CSR 20-6.010	Clean Water Commission		This Issue		
10 CSR 20-6.200	Clean Water Commission		34 MoReg 377		
10 CSR 20-7.031	Clean Water Commission	33 MoReg 2415	34 MoReg 379		
10 CSR 20-7.050	Clean Water Commission	33 MoReg 1855	33 MoReg 1870		
10 CSR 25-3.260	Hazardous Waste Management Commission		33 MoReg 2207		
10 CSR 25-4.261	Hazardous Waste Management Commission		33 MoReg 2209		
10 CSR 25-5.262	Hazardous Waste Management Commission		33 MoReg 2210		
10 CSR 25-6.263	Hazardous Waste Management Commission		33 MoReg 2214		
10 CSR 25-7.264	Hazardous Waste Management Commission		33 MoReg 2215		
10 CSR 25-7.265	Hazardous Waste Management Commission		33 MoReg 2219		
10 CSR 25-7.266	Hazardous Waste Management Commission		33 MoReg 2222		
10 CSR 25-7.268	Hazardous Waste Management Commission		33 MoReg 2223		
10 CSR 25-7.270	Hazardous Waste Management Commission		33 MoReg 2223		
10 CSR 25-11.279	Hazardous Waste Management Commission		33 MoReg 2225		
10 CSR 25-12.010	Hazardous Waste Management Commission		33 MoReg 2226		
10 CSR 25-13.010	Hazardous Waste Management Commission		33 MoReg 2228		
10 CSR 25-16.273	Hazardous Waste Management Commission		33 MoReg 2230		
10 CSR 25-18.010	Hazardous Waste Management Commission		34 MoReg 527		
10 CSR 60-2.015	Safe Drinking Water Commission		33 MoReg 1964 34 MoReg 667		
10 CSR 60-4.052	Safe Drinking Water Commission		33 MoReg 1967 34 MoReg 671		
10 CSR 60-4.090	Safe Drinking Water Commission		33 MoReg 1991 34 MoReg 695		
10 CSR 60-4.092	Safe Drinking Water Commission		33 MoReg 1996 34 MoReg 701		
10 CSR 60-4.094	Safe Drinking Water Commission		33 MoReg 1996 34 MoReg 701		
10 CSR 60-5.010	Safe Drinking Water Commission		33 MoReg 2006 34 MoReg 711		

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10 CSR 60-7.010	Safe Drinking Water Commission		33 MoReg 2006 34 MoReg 711		
10 CSR 60-8.010	Safe Drinking Water Commission		33 MoReg 2010 34 MoReg 715		
10 CSR 60-8.030	Safe Drinking Water Commission		33 MoReg 2014 34 MoReg 719		
10 CSR 60-9.010	Safe Drinking Water Commission		33 MoReg 2018 34 MoReg 723		
10 CSR 70-9.010	Soil and Water Districts Commission		33 MoReg 1722		
10 CSR 140-2	Division of Energy				33 MoReg 1103 33 MoReg 1193
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 40-2.025	Division of Fire Safety	34 MoReg 175	34 MoReg 212		
11 CSR 45-1.090	Missouri Gaming Commission	33 MoReg 2303	33 MoReg 2317	34 MoReg 618	
11 CSR 45-5.053	Missouri Gaming Commission	33 MoReg 2303	33 MoReg 2318	34 MoReg 618	
11 CSR 45-5.100	Missouri Gaming Commission		33 MoReg 2318	34 MoReg 619	
11 CSR 45-6.040	Missouri Gaming Commission	33 MoReg 2304R	33 MoReg 2319R	34 MoReg 619R	
11 CSR 45-8.120	Missouri Gaming Commission	33 MoReg 2304	33 MoReg 2319	34 MoReg 619	
11 CSR 45-9.010	Missouri Gaming Commission		33 MoReg 2320	34 MoReg 619	
11 CSR 45-9.020	Missouri Gaming Commission		33 MoReg 2320	34 MoReg 619	
11 CSR 45-9.030	Missouri Gaming Commission	33 MoReg 2305	33 MoReg 2320	34 MoReg 620	
11 CSR 45-9.040	Missouri Gaming Commission	33 MoReg 2305	33 MoReg 2322	34 MoReg 623	
11 CSR 45-11.020	Missouri Gaming Commission	33 MoReg 2306	33 MoReg 2323	34 MoReg 623	
11 CSR 45-11.050	Missouri Gaming Commission	33 MoReg 2306	33 MoReg 2326	34 MoReg 625	
11 CSR 80-5.010	Missouri State Water Patrol		34 MoReg 282		
11 CSR 85-1.010	Veterans' Affairs		34 MoReg 284		
11 CSR 85-1.015	Veterans' Affairs		34 MoReg 285		
11 CSR 85-1.020	Veterans' Affairs		34 MoReg 285		
11 CSR 85-1.040	Veterans' Affairs		34 MoReg 286		
11 CSR 85-1.050	Veterans' Affairs		34 MoReg 286		
	DEPARTMENT OF REVENUE				
12 CSR 10-7.170	Director of Revenue		33 MoReg 2018R	34 MoReg 558R	
12 CSR 10-7.250	Director of Revenue		33 MoReg 2018R	34 MoReg 558R	
12 CSR 10-7.260	Director of Revenue		33 MoReg 2019R	34 MoReg 558R	
12 CSR 10-7.320	Director of Revenue		34 MoReg 215R		
12 CSR 10-16.170	Director of Revenue		34 MoReg 215R		
12 CSR 10-23.100	Director of Revenue		33 MoReg 2232	34 MoReg 559	
12 CSR 10-41.010	Director of Revenue	33 MoReg 2307	33 MoReg 2326	34 MoReg 727	
12 CSR 10-43.030	Director of Revenue		33 MoReg 2019	34 MoReg 559	
12 CSR 10-103.380	Director of Revenue		33 MoReg 2020R	34 MoReg 559R	
12 CSR 30-3.010	State Tax Commission		33 MoReg 2235	34 MoReg 727	
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 30-3.010	Child Support Enforcement *(Changed to 13 CSR 40-3.010)*		34 MoReg 16		
13 CSR 30-3.020	Child Support Enforcement *(Changed to 13 CSR 40-3.020)*		34 MoReg 16		
13 CSR 40-2.390	Family Support Division	33 MoReg 1941	33 MoReg 2021	34 MoReg 727	
13 CSR 40-3.010	Family Support Division *(Changed from 13 CSR 30-3.010)*		34 MoReg 16		
13 CSR 40-3.020	Family Support Division *(Changed from 13 CSR 30-3.020)*		34 MoReg 16		
13 CSR 70-3.180	MO HealthNet Division		34 MoReg 723		
13 CSR 70-3.190	MO HealthNet Division		34 MoReg 608		
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-15.200	MO HealthNet Division		33 MoReg 2430		
13 CSR 70-20.320	MO HealthNet Division	33 MoReg 1856	33 MoReg 1871	34 MoReg 625	
13 CSR 70-30.010	MO HealthNet Division		33 MoReg 2331	This Issue	
13 CSR 70-60.010	MO HealthNet Division		34 MoReg 286		
13 CSR 70-70.010	MO HealthNet Division		33 MoReg 2235	This Issue	
13 CSR 70-98.015	MO HealthNet Division		33 MoReg 2331	This Issue	
	ELECTED OFFICIALS				
15 CSR 60-15.010	Attorney General	34 MoReg 651	34 MoReg 724		
15 CSR 60-15.020	Attorney General	34 MoReg 651	34 MoReg 724		
15 CSR 60-15.030	Attorney General	34 MoReg 652	34 MoReg 725		
15 CSR 60-15.040	Attorney General	34 MoReg 652	34 MoReg 725		
15 CSR 60-15.050	Attorney General	34 MoReg 653	34 MoReg 726		
	RETIREMENT SYSTEMS				
16 CSR 50-2.090	The County Employees' Retirement Fund		34 MoReg 215		
16 CSR 50-3.010	The County Employees' Retirement Fund		34 MoReg 216		
16 CSR 50-10.010	The County Employees' Retirement Fund		34 MoReg 217		
16 CSR 50-10.030	The County Employees' Retirement Fund		34 MoReg 217		
16 CSR 50-20.020	The County Employees' Retirement Fund		34 MoReg 218		
16 CSR 50-20.120	The County Employees' Retirement Fund		34 MoReg 218		

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	DEPARTMENT OF HEALTH AND SENIOR SERVICES				
19 CSR 20-3.070	Division of Community and Public Health		33 MoReg 2331R 33 MoReg 2332	34 MoReg 728R 34 MoReg 728	
19 CSR 20-3.080	Division of Community and Public Health		33 MoReg 2337	34 MoReg 728	
19 CSR 20-44.010	Division of Community and Public Health		34 MoReg 288		
19 CSR 30-20.096	Division of Regulation and Licensure		33 MoReg 2343		
19 CSR 30-26.010	Division of Regulation and Licensure		33 MoReg 2348		
19 CSR 30-40.342	Division of Regulation and Licensure		34 MoReg 289		
19 CSR 30-40.600	Division of Regulation and Licensure		34 MoReg 296		
19 CSR 30-70.650	Division of Regulation and Licensure		33 MoReg 2356	This IssueW	
19 CSR 30-85.022	Division of Regulation and Licensure	34 MoReg 5	34 MoReg 17	This Issue	
19 CSR 30-86.022	Division of Regulation and Licensure	34 MoReg 7	34 MoReg 29	This Issue	
19 CSR 40-11.010	Division of Maternal, Child and Family Health	34 MoReg 271	34 MoReg 304		
19 CSR 60-50	Missouri Health Facilities Review Committee				34 MoReg 736 This Issue
	DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION				
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667 33 MoReg 150 33 MoReg 2446
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150 33 MoReg 2446
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150 33 MoReg 2446
20 CSR 100-1.060	Insurer Conduct		33 MoReg 1877	34 MoReg 728	
20 CSR 100-1.070	Insurer Conduct		33 MoReg 1879	34 MoReg 732	
20 CSR 200-1.116	Insurance Solvency and Company Regulation		33 MoReg 2358	34 MoReg 733	
20 CSR 200-12.020	Insurance Solvency and Company Regulation		33 MoReg 2237		
20 CSR 400-1.170	Life, Annuities and Health	34 MoReg 175	34 MoReg 219		
20 CSR 400-2.200	Life, Annuities and Health		34 MoReg 542		
20 CSR 500-7.030	Property and Casualty	33 MoReg 2085	33 MoReg 2238		
20 CSR 500-7.080	Property and Casualty	33 MoReg 2085	33 MoReg 2238		
20 CSR 600-1.030	Statistical Reporting		33 MoReg 1882		
20 CSR 700-3.200	Insurance Licensing	34 MoReg 274	34 MoReg 309		
20 CSR 2030-5.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		34 MoReg 45		
20 CSR 2095-1.060	Committee for Professional Counselors		34 MoReg 45R 34 MoReg 45	This IssueR This Issue	
20 CSR 2095-1.062	Committee for Professional Counselors		34 MoReg 48	This Issue	
20 CSR 2095-1.064	Committee for Professional Counselors		34 MoReg 52	This Issue	
20 CSR 2095-1.068	Committee for Professional Counselors		34 MoReg 55	This Issue	
20 CSR 2095-1.070	Committee for Professional Counselors		34 MoReg 59	This Issue	
20 CSR 2095-2.005	Committee for Professional Counselors		34 MoReg 63	This Issue	
20 CSR 2095-2.010	Committee for Professional Counselors		34 MoReg 63R 34 MoReg 63	This IssueR This Issue	
20 CSR 2095-2.020	Committee for Professional Counselors		34 MoReg 67	This Issue	
20 CSR 2095-2.021	Committee for Professional Counselors		34 MoReg 68	This Issue	
20 CSR 2095-2.030	Committee for Professional Counselors		34 MoReg 68	This Issue	
20 CSR 2095-2.065	Committee for Professional Counselors		34 MoReg 69	This Issue	
20 CSR 2095-3.010	Committee for Professional Counselors		34 MoReg 71	This Issue	
20 CSR 2110-2.010	Missouri Dental Board		34 MoReg 126		
20 CSR 2110-2.030	Missouri Dental Board		34 MoReg 126		
20 CSR 2110-2.050	Missouri Dental Board		34 MoReg 127		
20 CSR 2110-2.090	Missouri Dental Board		34 MoReg 127		
20 CSR 2110-2.130	Missouri Dental Board		34 MoReg 127		
20 CSR 2110-2.132	Missouri Dental Board		34 MoReg 128		
20 CSR 2110-2.240	Missouri Dental Board		34 MoReg 128		
20 CSR 2145-1.010	Missouri Board of Geologist Registration		34 MoReg 219		
20 CSR 2150-5.020	State Board of Registration for the Healing Arts		34 MoReg 128		
20 CSR 2165-2.010	Board of Examiners for Hearing Instrument Specialists		34 MoReg 220		
20 CSR 2165-2.030	Board of Examiners for Hearing Instrument Specialists		34 MoReg 224		
20 CSR 2165-2.040	Board of Examiners for Hearing Instrument Specialists		34 MoReg 225		
20 CSR 2235-1.045	State Committee of Psychologists		34 MoReg 225		
20 CSR 2235-2.060	State Committee of Psychologists		34 MoReg 225		
20 CSR 2267-2.030	Office of Tattooing, Body Piercing, and Branding		34 MoReg 226		
20 CSR 2267-2.031	Office of Tattooing, Body Piercing, and Branding		34 MoReg 228		
20 CSR 2270-2.031	Missouri Veterinary Medical Board		34 MoReg 71	This Issue	
20 CSR 2270-2.041	Missouri Veterinary Medical Board		34 MoReg 71	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	MISSOURI CONSOLIDATED HEALTH CARE PLAN				
22 CSR 10-2.050	Health Care Plan	34 MoReg 176	34 MoReg 232		
22 CSR 10-2.053	Health Care Plan	34 MoReg 177	34 MoReg 232		
22 CSR 10-2.060	Health Care Plan	34 MoReg 178	34 MoReg 233		
22 CSR 10-2.075	Health Care Plan	34 MoReg 178	34 MoReg 233		
22 CSR 10-3.030	Health Care Plan	34 MoReg 179	34 MoReg 234		
22 CSR 10-3.075	Health Care Plan	34 MoReg 179	34 MoReg 235		

Agency		Publication	Effective	Expiration
Department of Agriculture				
Weights and Measures				
2 CSR 90-10.011	Inspection Authority—Duties	33 MoReg 2081	Oct. 25, 2008	April 22, 2009
2 CSR 90-10.012	Registration—Training	33 MoReg 2082	Oct. 25, 2008	April 22, 2009
Department of Natural Resources				
Clean Water Commission				
10 CSR 20-7.031	Water Quality Standards	33 MoReg 2415	Nov. 22, 2008	May 20, 2009
10 CSR 20-7.050	Methodology for Development of Impaired Waters List	33 MoReg 1855	Jan. 2, 2009	June 30, 2009
Department of Public Safety				
Division of Fire Safety				
11 CSR 40-2.025	Installation Permits	34 MoReg 175	Jan. 1, 2009	June 29, 2009
Missouri Gaming Commission				
11 CSR 45-1.090	Definitions	33 MoReg 2303	Nov. 15, 2008	May 13, 2009
11 CSR 45-5.053	Policies	33 MoReg 2303	Nov. 15, 2008	May 13, 2009
11 CSR 45-6.040	Five Hundred Dollar-Loss Limit	33 MoReg 2304	Nov. 15, 2008	May 13, 2009
11 CSR 45-8.120	Handling of Cash at Gaming Tables	33 MoReg 2304	Nov. 15, 2008	May 13, 2009
11 CSR 45-9.030	Minimum Internal Control Standards	33 MoReg 2305	Nov. 15, 2008	May 13, 2009
11 CSR 45-9.040	Commission Approval of Internal Control System	33 MoReg 2305	Nov. 15, 2008	May 13, 2009
11 CSR 45-11.020	Deposit Account—Taxes and Fees	33 MoReg 2306	Nov. 15, 2008	May 13, 2009
11 CSR 45-11.050	Admission Fee	33 MoReg 2306	Nov. 15, 2008	May 13, 2009
Department of Revenue				
Director of Revenue				
12 CSR 10-41.010	Annual Adjusted Rate of Interest	33 MoReg 2307	Jan. 1, 2009	June 29, 2009
Elected Officials				
Attorney General				
15 CSR 60-15.010	Definitions	34 MoReg 651	March 12, 2009	Sept. 7, 2009
15 CSR 60-15.020	Form of Affidavit	34 MoReg 651	March 12, 2009	Sept. 7, 2009
15 CSR 60-15.030	Complaints	34 MoReg 652	March 12, 2009	Sept. 7, 2009
15 CSR 60-15.040	Investigation of Complaints	34 MoReg 652	March 12, 2009	Sept. 7, 2009
15 CSR 60-15.050	Notification by Federal Government that Individual Is Not Authorized to Work	34 MoReg 653	March 12, 2009	Sept. 7, 2009
Department of Health and Senior Services				
Division of Regulation and Licensure				
19 CSR 30-85.022	Fire Safety Standards for New and Existing Intermediate Care and Skilled Nursing Facilities	34 MoReg 5	Dec. 4, 2008	June 1, 2009
19 CSR 30-86.022	Fire Safety Standards for Residential Care Facilities and Assisted Living Facilities	34 MoReg 7	Dec. 4, 2008	June 1, 2009
Division of Maternal, Child and Family Health				
19 CSR 40-11.010	Payments for Vision Examinations	34 MoReg 271	Jan. 19, 2009	July 17, 2009
Department of Insurance, Financial Institutions and Professional Registration				
Life, Annuities, and Health				
20 CSR 400-1.170	Recognition of Preferred Mortality Tables in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	34 MoReg 175	Dec. 31, 2008	June 28, 2009

Agency		Publication	Effective	Expiration
Property and Casualty				
20 CSR 500-7.030	General Instructions	33 MoReg 2085	Jan. 1, 2009	June 29, 2009
20 CSR 500-7.080	Insurer's Annual On-site Review	33 MoReg 2085	Jan. 1, 2009	June 29, 2009
Insurance Licensing				
20 CSR 700-3.200	Continuing Education	34 MoReg 274	Jan. 18, 2009	July 16, 2009
Missouri Veterinary Medical Board				
20 CSR 2270-1.021	Fees	Next Issue	April 2, 2009	Jan. 12, 2010
Missouri Consolidated Health Care Plan				
Health Care Plan				
22 CSR 10-2.050	PPO and Co-Pay Benefit Provisions and Covered Charges	34 MoReg 176	Jan. 1, 2009	June 29, 2009
22 CSR 10-2.053	High Deductible Health Plan Benefit Provisions and Covered Charges	34 MoReg 177	Jan. 1, 2009	June 29, 2009
22 CSR 10-2.060	PPO, HDHP, and Co-Pay Limitations	34 MoReg 178	Jan. 1, 2009	June 29, 2009
22 CSR 10-2.075	Review and Appeals Procedure	34 MoReg 178	Jan. 1, 2009	June 29, 2009
22 CSR 10-3.030	Public Entity Membership Agreement and Participation Period	34 MoReg 179	Jan. 1, 2009	June 29, 2009
22 CSR 10-3.075	Review and Appeals Procedure	34 MoReg 179	Jan. 1, 2009	June 29, 2009

Executive Orders	Subject Matter	Filed Date	Publication
	2009		
09-17	Creates the Transform Missouri Project as well as the Taxpayer Accountability, Compliance, and Transparency Unit, and rescinds Executive Order 09-12	March 31, 2009	Next Issue
09-16	Directs the Department of Corrections to lead a permanent, interagency steering team for the Missouri Reentry Process	March 26, 2009	Next Issue
09-15	Expands the Missouri Automotive Jobs Task Force to consist of 18 members	March 24, 2009	Next Issue
09-14	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	March 5, 2009	This Issue
09-13	Extends Executive Order 09-04 and Executive Order 09-07 through March 31, 2009	February 25, 2009	34 MoReg 657
09-12	Creates and establishes the Transform Missouri Initiative	February 20, 2009	34 MoReg 655
09-11	Orders the Department of Health and Senior Services and the Department of Social Services to transfer the Blindness Education, Screening and Treatment Program (BEST) to the Department of Social Services	February 4, 2009	34 MoReg 590
09-10	Orders the Department of Elementary and Secondary Education and the Department of Economic Development to transfer the Missouri Customized Training Program to the Department of Economic Development	February 4, 2009	34 MoReg 588
09-09	Transfers the various scholarship programs under the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to the Department of Higher Education	February 4, 2009	34 MoReg 585
09-08	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	February 2, 2009	34 MoReg 366
09-07	Gives the director of the Missouri Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on January 26	January 30, 2009	34 MoReg 364
09-06	Activates the state militia in response to the aftermath of severe storms that began on January 26	January 28, 2009	34 MoReg 362
09-05	Establishes a Complete Count Committee for the 2010 Census	January 27, 2009	34 MoReg 359
09-04	Declares a state of emergency and activates the Missouri State Emergency Operations Plan	January 26, 2009	34 MoReg 357
09-03	Directs the Missouri Department of Economic Development, working with the Missouri Development Finance Board, to create a pool of funds designated for low-interest and no-interest direct loans for small business	January 13, 2009	34 MoReg 281
09-02	Creates the Economic Stimulus Coordination Council	January 13, 2009	34 MoReg 279
09-01	Creates the Missouri Automotive Jobs Task Force	January 13, 2009	34 MoReg 277
	2008		
08-41	Extends Executive Order 07-31 until January 12, 2009	January 9, 2009	34 MoReg 275
08-40	Extends Executive Order 07-01 until January 1, 2010	December 17, 2008	34 MoReg 181
08-39	Closes state offices in Cole County on Monday, January 12, 2009	December 3, 2008	34 MoReg 11
08-38	Amends Executive Order 03-17 to revise the composition of the committee to include the Divisional Commander of the Midland Division of the Salvation Army or his or her designee	November 25, 2008	34 MoReg 10
08-37	Orders the Department of Natural Resources to develop a voluntary certification program to identify environmentally responsible practices in Missouri's lodging industries	November 13, 2008	33 MoReg 2424
08-36	Orders the departments and agencies of the Executive Branch of Missouri state government to adopt a Pandemic Flu Share Leave Program	October 23, 2008	33 MoReg 2313
08-35	Creates the Division of Developmental Disabilities and abolishes the Division of Mental Retardation and Developmental Disabilities within the Department of Mental Health	October 16, 2008	33 MoReg 2311
08-34	Establishes the Complete Count Committee to ensure an accurate count of Missouri citizens during the 2010 Census	October 21, 2008	33 MoReg 2309
08-33	Advises that state offices will be closed on Friday, December 26, 2008	October 29, 2008	33 MoReg 2308
08-32	Advises that state offices will be closed on Friday, November 28, 2008	October 2, 2008	33 MoReg 2088

Executive Orders	Subject Matter	Filed Date	Publication
08-31	Declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	September 15, 2008	33 MoReg 1863
08-30	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 15, 2008	33 MoReg 1861
08-29	Transfers the Breath Alcohol Program back to the Department of Health and Senior Services from the Department of Transportation by Type I transfer	September 12, 2008	33 MoReg 1859
08-28	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	August 30, 2008	33 MoReg 1801
08-27	Declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri	August 30, 2008	33 MoReg 1799
08-26	Extends the order contained in Executive Orders 08-21, 08-23, and 08-25	August 29, 2008	33 MoReg 1797
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	33 MoReg 1658
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-19	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405

Executive Orders	Subject Matter	Filed Date	Publication
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401

The rule number and the MoReg publication date follow each entry to this index.

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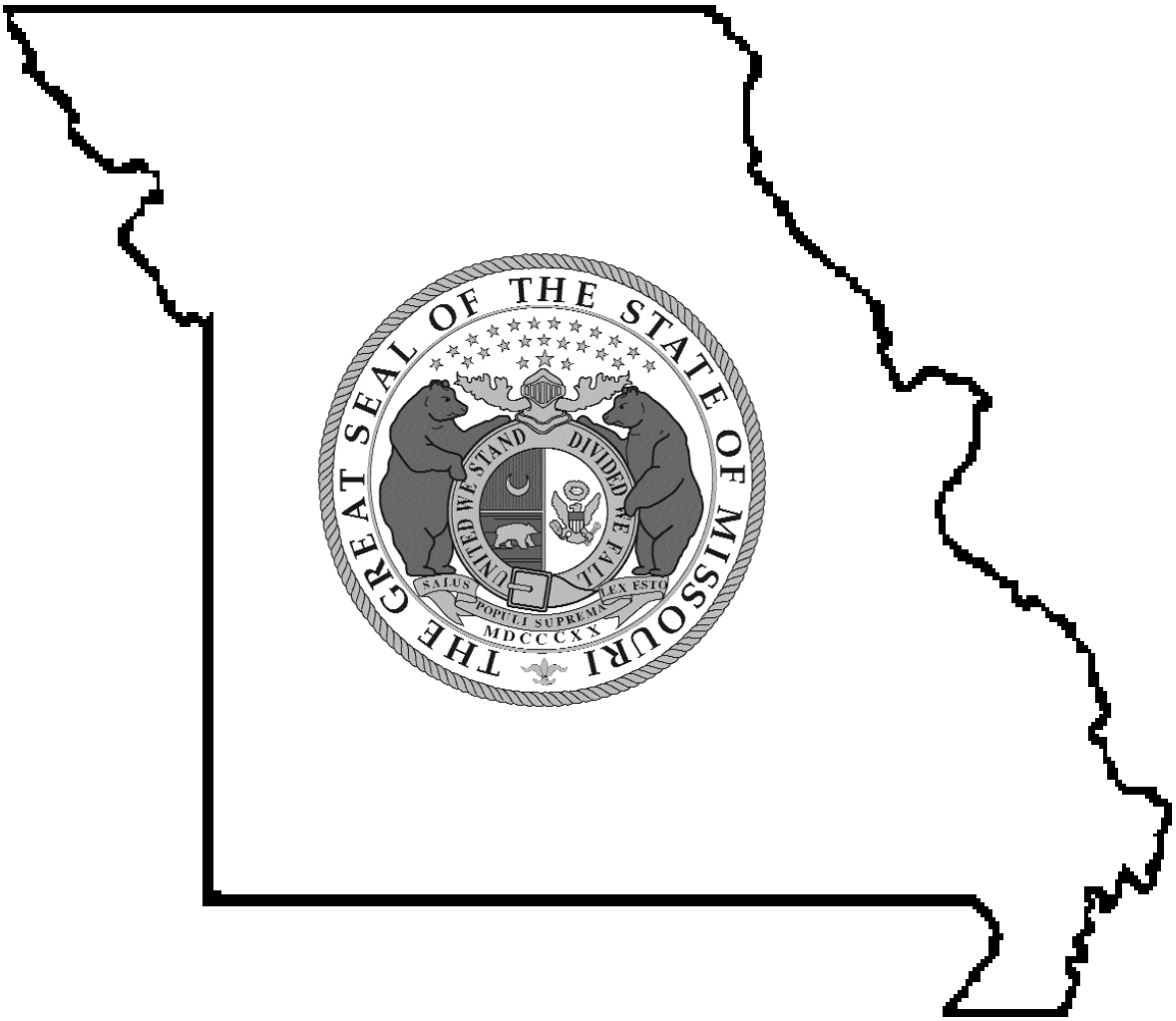

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Remember that the letter needs to—

1. Be addressed to the secretary of state;
2. List the rule number and title (more than one rule may be listed);
3. Certify that the attached are complete and accurate copies of the rulemaking;
4. State the economic impact on small business (for proposed rulemaking);
5. State that a takings analysis has occurred (for proposed rulemaking);
6. Contain an authorized signature of the department director or his/her designee which is on file with Administrative Rules; and
7. Be dated with the date the proposed rulemaking or order of rulemaking is filed with Administrative Rules. If no date is on the letter, the file date will be stamped on the letter by Administrative Rules' staff and will serve as the date of the letter.